

**IN THE HIGH COURT OF GUJARAT AT AHMEDABAD  
R/SPECIAL CRIMINAL APPLICATION (QUASHING) NO. 9795 of 2025**

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VISHAL MAGANBHAI POSIYA

Versus

STATE OF GUJARAT & ANR.

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Appearance:

MR PK JANI, Senior Advocate assisted by MS POONAM M MAHETA(11265)  
for the Applicant(s) No. 1

MR ROHAN SHAH, APP for the Respondent(s) No. 1

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**CORAM:HONOURABLE MR. JUSTICE HASMUKH D. SUTHAR**

**Date : 21/07/2025  
ORAL ORDER**

1. Heard Mr. P.K. Jani, learned Senior Advocate assisted by Ms. Poonam Mehta, learned advocate appearing for the applicant and learned APP for the State.

2. By way of this application under Section 528 of the BNSS, the applicant has prayed to quash and set aside the **FIR being C.R. No.11203025250194 of 2025** registered with Junagadh Taluka Police Station as well as all the consequential proceedings arising therefrom.

3. It appears that the allegation against the present applicant is that the deceased had lent money to the applicant, and as the deceased failed to recover the said amount, he committed suicide. Apart from this, no specific role is attributed to the present applicant in the alleged offence. There is no *mens rea* or instigation on the part of the applicant, and the applicant's name does not find mention in the suicide note. Further, there is no material on record suggesting the involvement of the present applicant in instigating the deceased to commit suicide. It is also pertinent to note that the deceased never regained

consciousness after consuming poison, and no dying declaration substantiating the allegations against the present applicant has been recorded.

4. It is also appears that the deceased consumed poison on 02.04.2025 and expired on 05.04.2025. Considering the CDR, it appears that the call detail records pertain to the period from 06.06.2024 to 24.03.2025, whereas the incident took place on 02.04.2025. Therefore, there is no reasonably proximate cause indicating any alleged mental harassment or torture by the applicant over the phone as well. In view of the above, in the absence of any overt act or instigation and “mens rea”, and in the absence of the essential ingredients and proximate cause required to constitute the alleged abetment of suicide, and in view of the judgment passed by the **Hon’ble Apex Court in Jaydeepsinh Pravinsinh Chavda v. State of Gujarat, (2025) 2 SCC 116 and Mohit Singhal Vs. State of Uttarakhand, reported in 2023 INSC 1035**, the matter requires consideration. Hence, **RULE returnable on 25.09.2025**. Learned APP waives service of notice of Rule for the respondent-State. Private respondent be served through concerned police station.

5 Interim relief in terms of para **9(b)** is granted. Direct service is permitted.

(HASMUKH D. SUTHAR,J)

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