

IN THE HIGH COURT OF JHARKHAND AT RANCHI
W.P. (Cr.) No.898 of 2024

Tata Steel Utilities and Infrastructure Services Limited (Tata Steel UISL), having registered office at Sakchi Boulevard Road, Northern Town, Bistupur, P.O. Bistupur, P.S. Bistupur, Town Jamshedpur, District East Singhbhum, represented through Shri Jai Pushpit Pallav, aged about 49 years, son of Shri J.P.N. Das, working as Chief Divisional Manager (Legal) in Tata Steel UISL, office at Sakchi Boulevard Road, Northern Town, Bistupur, P.O. Bistupur, P.S. Bistupur, Town Jamshedpur, District East Singhbhum.

... Petitioner

Versus

1. The State of Jharkhand.
2. Pushpendra Kumar, son of Late Om Prakash, resident of H.No. 572, Line No. 05, Gadhabasa, Golmuri, P.O. Golmuri, P.S. Golmuri, Town Jamshedpur, District East Singhbhum.

... Respondents

With

W.P. (Cr.) No.627 of 2024

Dr. Alok Kumar @ Dr. Alok Suman Sharma, aged about 45 years, son of Sri Jai Prakash Sharma, resident of A-296, Road No.19, Tuiladungri Basti, Golmuri, P.O. Golmuri, P.S. Golmuri, Town Jamshedpur, District East Singhbhum.

... Petitioner

Versus

1. The State of Jharkhand.
2. Pushpendra Kumar, son of Late Om Prakash, resident of H.No. 572, Line No. 05, Gadhabasa, Golmuri, P.O. Golmuri, P.S. Golmuri, Town Jamshedpur, District East Singhbhum.

... Respondents

For the Petitioners : Mr. Indrajit Sinha, Advocate
Mr. Ajay Kumar Sah, Advocate
Mr. Sagar Kumar, Advocate
Mr. Rishav Kumar, Advocate
For the State : Mr. Jayant Franklin Toppo, GA-V
Mrs. Moushmi Chatterjee, AC to GA-V
Mr. Ashutosh Anand, AAG-III
Mr. Binit Chandra, AC to AAG-III
For the Resp. No.2 : Mr. Jitesh Kumar, Advocate

P R E S E N T

HON'BLE MR. JUSTICE ANIL KUMAR CHOUDHARY

By the Court:- Heard the parties.

2. Since both these Writ Petitions (Cr.) have been filed invoking the jurisdiction of this Court under Article 226 and 227 of the Constitution of India with the same prayer for issuance of an appropriate writ(s)/order(s)/direction(s) for quashing the entire criminal proceeding including the FIR of Golmuri P.S. Case No.112 of 2024, involving the offence punishable under Sections 108 read with 3(5) of the B.N.S., 2023, hence, both these Writ Petitions (Cr.) are disposed of by this common judgment.

3. The brief facts of the case is that the respondent No.2 lodged a written report with the Officer-in-Charge of Golmuri Police Station alleging therein that his father namely Om Prakash was working in the Public Health Department of the petitioner of W.P.(Cr.) No.898 of 2024 on the post of Senior Supervisor but 3 to 4 months prior to his death, the said Om Prakash was transferred from Northern Town Branch to Golmuri Branch Office of the said writ petitioner's company. The workload in the new posting area was heavy. As the deceased was to look after several areas, the deceased was facing

difficulty in discharging his duty but the management was putting pressure to get the work done by him. The deceased used to remain under tension and on 07.08.2024, he committed suicide after leaving a suicide note; in which it was written that excess work and unnecessary workload, is the cause of the suicide of Om Prakash and it was mentioned that the petitioner of W.P.(Cr.) No.627 of 2024 being the Chief of Department and Area Manager, albeit whose name has not been mentioned in the FIR, was intimated by the deceased about the excess work but the workload upon the deceased was not reduced but his additional work was further increased. Hence, he committed suicide.

4. Learned counsel for the petitioners relies upon the judgment of the Hon'ble Supreme Court of India in the case of **Nipun Aneja & Others vs. State of Uttar Pradesh** reported in **2024 INSC 767**, para-21 to 23 of which read as under:-

"21. The ingredients to constitute an offence under Section 306 of the IPC (abetment of suicide) would stand fulfilled if the suicide is committed by the deceased due to direct and alarming encouragement/incitement by the accused leaving no option but to commit suicide. Further, as the extreme action of committing suicide is also on account of great disturbance to the psychological imbalance of the deceased such incitement can be divided into two broad categories. First, where the deceased is having sentimental ties or physical relations with the accused and the second category would be where the deceased is having relations with the accused in his or her official capacity. In the case of former category sometimes a normal quarrel or the hot exchange of words may result into immediate psychological imbalance, consequently creating a situation of depression, loss of charm in life and if the person is unable to control sentiments of expectations, it may give temptations to the person to commit suicide, e.g., when there is relation of husband and wife, mother and son, brother and sister, sister and sister and other relations of such type, where sentimental tie is by blood or due to physical relations. In the case of second category the tie is on account of official relations, where the expectations would be to discharge the obligations as provided for such duty in law and to receive the considerations as provided in law. In normal circumstances, relationships by sentimental tie cannot be equated with the official relationship. The reason being different nature of conduct to maintain that relationship. The former category leaves more expectations, whereas in the

latter category, by and large, the expectations and obligations are prescribed by law, rules, policies and regulations.

22. The test that the Court should adopt in this type of cases is to make an endeavour to ascertain on the basis of the materials on record whether there is anything to indicate even *prima facie* that the accused intended the consequences of the act, i.e., suicide. Over a period of time, the trend of the courts is that such intention can be read into or gathered only after a fullfledged trial. The problem is that the courts just look into the factum of suicide and nothing more. We believe that such understanding on the part of the courts is wrong. It all depends on the nature of the offence & accusation. For example, whether the accused had the common intention under Section 34 of the IPC could be gathered only after a full-fledged trial on the basis of the depositions of the witnesses as regards the genesis of the occurrence, the manner of assault, the weapon used, the role played by the accused etc. However, in cases of abetment of suicide by and large the facts make things clear more particularly from the nature of the allegations itself. The Courts should know how to apply the correct principles of law governing abetment of suicide to the facts on record. It is the inability on the part of the courts to understand and apply the correct principles of law to the cases of abetment of suicide, which leads to unnecessary prosecutions. We do understand and appreciate the feelings and sentiments of the family members of the deceased and we cannot find any fault on their part if they decide to lodge a First Information Report with the police. However, it is ultimately for the police and the courts of law to look into the matter and see that the persons against whom allegations have been levelled are not unnecessarily harassed or they are not put to trial just for the sake of prosecuting them.

23. In the case on hand, the entire approach of the High Court could be said to be incorrect. The High Court should have examined the matter keeping in mind the following:"

(a) On the date of the meeting, i.e., 03.11.2006, did the appellants create a situation of unbearable harassment or torture, leading the deceased to see suicide as the only escape? To ascertain this, the two statements of the colleagues of the deceased referred to by us were sufficient.

(b) Are the appellants accused of exploiting the emotional vulnerability of the deceased by making him feel worthless or underserving of life leading him to commit suicide?

(c) Is it a case of threatening the deceased with dire consequences, such as harm to his family or severe financial ruin to the extent that he believed suicide was the only way out?

(d) Is it a case of making false allegations that may have damaged the reputation of the deceased & push him to commit suicide due to public humiliation & loss of dignity?"

and submits that this is a case of second category as mentioned in the said judgment on account of official relations and submits that in order to establish the offence punishable under Section 108 of the B.N.S., 2023 which is the *pari materia* of provision of Section 306 of the Indian Penal Code, in case of

ties on official relations, it has to be examined whether the petitioners created a situation on the date of the occurrence of unbearable harassment or torture leading the deceased to commit suicide as the only aspect. It is next submitted that there is no allegation against the petitioners of exploiting the emotional vulnerability of the deceased by making him feel worthless or undeserving of life leading him to commit suicide nor there is any allegation of threatening the deceased with dire consequences or making any false allegation that may damage the reputation of the deceased or force him to commit suicide. It is next submitted that there is no allegation that any disciplinary action has even been taken against the petitioner. It is next submitted that merely because the petitioner was entrusted with same additional work; at the most that goes to show the confidence of the petitioner upon the deceased but the same without any further allegation, as indicated above in this paragraph, by no stretch of imagination, can be termed as harassment or torturing.

5. Learned counsel for the petitioners next relies upon the judgment of the Hon'ble Supreme Court of India in the case of **Vikas Chandra vs. State of Uttar Pradesh & Others** reported in **2024 INSC 261** wherein in para-19, the Hon'ble Supreme Court of India relied upon its earlier judgment in the case of **M. Mohan vs. State represented by the Deputy Superintendent of Police** reported in **2011 INSC 168**, **Madan Mohan Singh vs. State of Gujarat & Another** reported in **2010 INSC 521** and **Chitresh Kumar Chopra vs. State (Govt. of NCT of Delhi)** reported in **2009 INSC 1040** wherein it was held that "in order to bring out an offence under Section 306 of the Indian Penal Code specific abetment as contemplated by Section 107 of the Indian Penal Code on the part of the accused with an intention to bring about the suicide of the

person concerned, as a result of that abetment is required. It is further submitted that in para-22 of the judgment of **Vikas Chandra vs. State of Uttar Pradesh & Others (supra)**, the Hon'ble Supreme Court of India has referred to the observations made by it in the case of **Chitresh Kumar Chopra vs. State (NCT of Delhi)** reported in **(2009) 16 SCC 605**, para- 17 of which reads as under:-

"17. Thus, to constitute "instigation", a person who instigates another has to provoke, incite, urge or encourage the doing of an act by the other by "goad" or "urging forward". The dictionary meaning of the word "goad" is "a thing that stimulates someone into action; provoke to action or reaction" (see Concise Oxford English Dictionary); "to keep irritating or annoying somebody until he reacts."

and submits that in order to instigate for commission of suicide is to keep irritating or annoying somebody until he reacts.

6. Learned counsel for the petitioners then draws attention of this Court towards para-8 of **Vikas Chandra vs. State of Uttar Pradesh & Others (supra)** wherein in para-5 and 6 of the case of **Netai Dutta vs. State of West Bengal** reported in **(2005) 2 SCC 659**, has been quoted which reads as under:-

"5. There is absolutely no averment in the alleged suicide note that the present appellant had caused any harm to him or was in any way responsible for delay in paying salary to deceased Pranab Kumar Nag. It seems that the deceased was very much dissatisfied with the working conditions at the workplace. But, it may also be noticed that the deceased after his transfer in 1999 had never joined the office at 160, B.L. Saha Road, Kolkata and had absented himself for a period of two years and that the suicide took place on 16-2-2001. It cannot be said that the present appellant had in any way instigated the deceased to commit suicide or he was responsible for the suicide of Pranab Kumar Nag. An offence under Section 306 IPC would stand only if there is an abetment for the commission of the crime. The parameters of "abetment" have been stated in Section 107 of the Penal Code, 1860. Section 107 says that a person abets the doing of a thing, who instigates any person to do that thing; or engages with one or more other person or persons in any conspiracy for the doing of that thing, if an act or illegal omission takes place in pursuance of that conspiracy, or the person should have intentionally aided any act or illegal omission. The Explanation to Section 107 says that any wilful misrepresentation or wilful

concealment of a material fact which he is bound to disclose, may also come within the contours of "abetment".

6. *In the suicide note, except referring to the name of the appellant at two places, there is no reference of any act or incidence whereby the appellant herein is alleged to have committed any wilful act or omission or intentionally aided or instigated the deceased Pranab Kumar Nag in committing the act of suicide. There is no case that the appellant has played any part or any role in any conspiracy, which ultimately instigated or resulted in the commission of suicide by deceased Pranab Kumar Nag."* (Emphasis supplied)

and submits that there is no allegation against the petitioner of committing any willful act or omission or intentionally aided or instigated the deceased in committing the act of suicide. So, no offence punishable under Section 108 read with 3(5) of the B.N.S., 2023 is made out against the petitioners. In this respect, learned counsel for the petitioners further relied upon the judgment of the Hon'ble Supreme Court of India in the case of **Arnab Manoranjan Goswami vs. State of Maharashtra & Others** reported in (2021) 2 SCC 427 wherein the Hon'ble Supreme Court of India relied upon its judgment in the case of **S.S. Chheena vs. Vijay Kumar Mahajan & Another** reported in (2010) 12 SCC 190, para-25 of which reads as under:-

"25. Abetment involves a mental process of instigating a person or intentionally aiding a person in doing of a thing. Without a positive act on the part of the accused to instigate or aid in committing suicide, conviction cannot be sustained. The intention of the legislature and the ratio of the cases decided by this Court is clear that in order to convict a person under Section 306 IPC there has to be a clear mens rea to commit the offence. It also requires an active act or direct act which led the deceased to commit suicide seeing no option and that act must have been intended to push the deceased into such a position that he committed suicide."

and submits that in order to constitute the offence punishable under Section 108 of the B.N.S., 2023, there has to be a clear *mens rea* to commit the offence and it also requires an active act or direct act, which led the deceased to commit suicide, seeing no option and that act must have been intended or that

the petitioner did any act intending to push the deceased into such a position; that he committed suicide.

7. Learned counsel for the petitioners further submits that it is not that the deceased was vested with an additional charge of some more area immediately before his death rather the same was done at least four months before his death. There is no motive attributed to the petitioners as to why the petitioners will want the deceased to die. There is total absence of any *mens rea* on the part of the petitioners. Hence, it is submitted that the prayer as prayed for in these Writ Petitions (Cr.) be allowed.

8. Learned counsel for the respondents on the other hand vehemently opposes the prayer of the petitioners and submits that besides commission of suicide, the offence of missing of the wallet and mobile phone has also been alleged. Of course, there is no allegation against the petitioners of having committed theft of the same but certainly, the same creates a suspicion. Hence, at this nascent stage, the entire criminal proceeding ought not to be quashed. Therefore, it is submitted that these Writ Petitions (Cr.), being without any merit, be dismissed.

9. Having heard the submissions made at the Bar and after going through the materials available in the record, it is pertinent to mention here that as already indicated above, it is a settled principle of law, that in a case of suicide, where the allegation against the accused is that, the tie of the accused with the deceased is on account of official relations; the test for the court to adopt is to make an endeavour to ascertain on the basis of the materials available on the record whether there is anything to indicate even *prima facie* that the accused intended the consequence of the act i.e. suicide.

10. Now coming to the facts of the case, except the allegation that the deceased has been given much more workload than his previous posting, after his transfer about four months prior to the date of the occurrence, there is no other allegation against the petitioners. Mere allegation of giving some extra workload to the subordinate by the higher/superior officials, in the considered opinion of this court, cannot be termed as harassment or torture. There is no allegation against the petitioners that because of any failure to do the extra work or failure to meet the expectations from the deceased by the petitioners, any disciplinary action or any threat that his service will be terminated has ever been made. There is total absence of any allegation which, even remotely indicate any *mens rea* on the part of the petitioners. There is no motive attributed to the petitioners as to why the petitioners will want the deceased to die. There is no allegation of any active act or direct act against the petitioners, which could have led the deceased to commit suicide, seeing no option. Further, there is no allegation that the petitioners intended that the deceased commit suicide.

11. Under such circumstances, this Court is of the considered view that, even if the entire allegations made against the petitioner in the FIR are considered to be true in their entirety, still the allegations falls short of constituting the essential ingredient of abetment of commission of suicide; the principles of which has already been discussed in the foregoing paragraphs of this judgment. Hence, this Court is of the considered view that the continuation of the entire criminal proceeding including the FIR of Golmuri P.S. Case No.112 of 2024 against the petitioners will amount to abuse of process of law, therefore, this is a fit case where the entire criminal proceeding including the FIR of

Golmuri P.S. Case No.112 of 2024 is liable to be quashed and set aside against the petitioners.

12. Accordingly, the entire criminal proceeding including the FIR of Golmuri P.S. Case No.112 of 2024 is quashed and set aside against the petitioners.

13. In the result, these Writ Petitions (Cr.) are allowed.

14. In view of disposal of these Writ Petitioners (Cr.), the interim relief granted earlier vide orders dated 29.10.2024 passed in W.P. (Cr.) No.898 of 2024 and 27.08.2024 passed in W.P. (Cr.) No.627 of 2024 are vacated.

15. Registry is directed to intimate the court concerned forthwith.

(Anil Kumar Choudhary, J.)

High Court of Jharkhand, Ranchi
Dated the 20th of March, 2025
AFR/ Saroj