



IN THE HIGH COURT OF KARNATAKA AT DHARWAD

DATED THIS THE 23RD DAY OF JUNE, 2026

BEFORE

THE HON'BLE MR. JUSTICE HANCHATE SANJEEVKUMAR

CRIMINAL PETITION NO. 101571 OF 2021

(482(Cr.PC)/528(BNSS))

BETWEEN:

1. BASAVARAJ @ BASAVARAJ ACHARI BADIGER
S/O SHANKAR ACHARI,
AGED 31 YEARS,
BRANCH MANAGER,
ESF BANK, WARD NO.24,
HOUSE NO. D BLOCK,
OLD POST OFFICE,
HOSAPETE – 583 201.
2. RAMESH @ RAMESH MEDDER
S/O CHIKKAPPA MEDDER,
AGED ABOUT 39 YEARS,
CLUSTER MANAGER,
ESF BANK,
R/O 11 CROSS, NEAR GANDHI NAGARA,
SHANKARALING NAGARA,
GADAG – 582 101.
3. EKANTHAPPA P
S/O PARAMESHWAR
AGED ABOUT 49 YEARS,
BRANCH MANAGER,
ESF BANK,
R/O WARD NO.11, THYAGARAJ,
NEW BYDAR HATTI PAMPA HOUSE,
CHALLAKERE,
DIST. CHITRADURGA – 577 522.
4. RAGHAVENDRA M.G.





S/O GANGADHARA SHETTY M.T.
AGED ABOUT 39 YEARS,
DEPUTY DIVISIONAL MANAGER IN ESF BANK,
R/O IYYANAPETE,
OPP: BASAVESWARA KALYANAMANTAPA,
CHIKKIPET,
TALUK AND DISTRICT CHITRADURGA – 503 185.

...PETITIONERS

(BY SRI. S SREEVATSA, SR.COUNSEL A/W
SMT. YUKTHA ANIL, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
BY POLICE INSPECTOR,
TOWN POLICE STATION,
HOSAPETE
REPRESENTED BY
THE STATE PUBLIC PROSECUTOR,
HIGH COURT BUILDING,
DHARWAD.
2. SMT. SANDYA B.M. @ SADHANA B.M.
W/O MAHESH B.M.
AGED ABOUT 31 YEARS,
R/O JAMBUNATHA ROAD,
NEAR BEERALINGESHWARA LAYOUT,
HOSPETE,
DIST. BALLARI – 583 201.

...RESPONDENTS

(BY SMT. GIRIJA HIREMATH, HCGP FOR R1;
SRI. ANWAR BASHA B, ADVOCATE FOR R2)

THIS CRIMINAL PETITION IS FILED U/S 482 OF
CR.P.C., SEEKING TO QUASH AND SET ASIDE THE CHARGE
SHEET FILED IN C.C. NO.08/2021 ON THE FILE OF PRL. SR.
CIVIL JUDGE AND JMFC, HOSPET, (AFTER COMMITTAL, THE
MATTER IS OMMITTED TO THE III ADDL. DISTRICT AND
SESSIONS COURT, HOSPETE AND NUMBERED AS S.C.



No.5110/2021) AGAINST THE PETITIONERS FOR OFFENCES PUNISHABLE U/S 306, 504, 506 R/W SECTION 34 AND ETC.,

THIS PETITION, COMING ON FOR FURTHER ARGUMENTS, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE HANCHATE SANJEEVKUMAR

ORAL ORDER

This Criminal Petition is filed under Section 482 of Cr.P.C. praying to quash the charge sheet filed in C.C.No.08/2021 on the file of the Principal Senior Civil Judge and JMFC, Hospet (after committal, the matter is committed to the III Additional District and Sessions Court, Hosapete and numbered as S.C.No.5110/2021) against the accused persons for the offences punishable under Sections 306, 504 and 506 read with Section 34 of IPC.

2. It is the case of the prosecution that as per the complaint averments, charge sheet and FIR, the deceased was working as Law Officer in the Equitas Bank, Ballari Road Circle, Hospete and the accused



have put pressure on the deceased to clear the documents and give opinion though the said documents were fake one but sought for legal opinion in positive way so as to sanction the loan to lonees but the deceased without tolerating the pressure put by the accused, has committed suicide and the commit of suicide is due to pressure put by the accused/petitioners. Thus, the complaint is lodged by the wife and accordingly, the case came to be registered as Crime No.0087/2020 for the offences punishable as above stated.

3. Further, it is the case of the prosecution that the deceased had written death note before committing suicide and in the investigation, the Investigating Officer found that the death of deceased is due to abetment made by the petitioners/accused. Hence, filed the charge sheet for the offences punishable under Sections 304, 506 and 504 read with Section 34 of IPC.



4. Learned Senior Counsel Sri. S. Sreevatsa, appearing for the petitioners submitted that upon bare reading of the complaint does not disclose making it offence of abetment to commit suicide. Therefore, death of the deceased does not constitute an abetment of suicide and therefore, the offence under Section 306 of IPC is not attracted. Further, it is submitted that even the complaint and charge sheet material do not disclose the offences punishable under Sections 504 and 506 of IPC. Therefore, it is submitted that registration of complaint and charge sheet is gross abuse of process of the Court. Further, it is submitted that if the petitioners have put a pressure on the deceased to give Report on the said fake documents that could have been rejected by the deceased as he is not subordinate to the petitioners/accused but without doing so, the commission of the suicide may be for some other reasons but not attributed to the accused. Further, it is submitted upon reading of the death note



also, it does not disclose what are the ingredients to abet to commit the suicide. Therefore, the ingredients of incitement, instigation and abetment are absent. Therefore, it is submitted that the charge sheet is filed in a mechanical way just to implicate the petitioners into false case in the alleged crime. Thus, it is abuse of process of the Court. Further, he has placed reliance on the following judgments:

1. *The judgment of the Hon'ble Supreme Court in the case of **Ude Singh and Others vs. State of Haryana**¹*
2. *The judgment of the Hon'ble Supreme Court in the case of **Madan Mohan Singh vs. State of Gujarat and another**²*

5. Learned Senior Counsel further submitted that as per Section 107 of IPC, there is no instigation by the petitioners instigating the deceased to commit suicide. There is no ingredient for the prosecution what

¹ (2019) 17 SCC 301

² (2010) 8 SCC 628



is element urging forward the deceased to take such extreme step of committing suicide. It is submitted that when it is allegation of prosecution that the petitioners have put pressure on the deceased to put signatures and give legal opinion about the documents that does not amount to urging forward the deceased to take such extreme step of committing suicide. Further, *prima facie* there is no material that the deceased was working under the petitioners. The deceased was independent authority in the Bank. There was no need for the deceased to tolerate the pressure of the petitioners. When this being the fact emerged from the prosecution case, there is no ingredient to try the offence punishable under Section 306 IPC much less offence under sections 506 and 504 of IPC. Therefore, it is submitted that initiation of criminal proceedings against the petitioners is nothing but gross abuse of process of the Court. Therefore, prays to quash the proceedings.



6. On the other hand, learned counsel for respondent No.2/complainant and learned High Court Government Pleader submitted that due to the pressure put by the petitioners and without tolerating the same, the deceased has taken such extreme step of ending his life by committing suicide. Therefore, such putting up pressure on the deceased is amounting to abetment to commit suicide. Further, it is submitted that there is allegation against the petitioners / accused and charge sheet is also to the effect that *prima facie* case of guilt towards the petitioners and therefore, the prosecution has made out a case for trial against the petitioners and at this stage, when *prima facie* case for trial is made out then the proceedings cannot be quashed.

7. Upon considering the rival submissions made by both the sides, the following points arise for consideration:

1. *Whether, under the facts and circumstances involved in the case, as per the prosecution*



case made out in the complaint, FIR and chargesheet and annexed materials that there is any prima facie case for trial of the accused for the offences punishable under Sections 306, 504 and 506 of IPC?

2. Whether, under the facts and circumstances alleged in the complaint, FIR, chargesheet material, the accused/petitioners makes out sufficient grounds for quashing the criminal proceedings for the offences punishable under Sections 306, 504 and 506 of IPC?

3. What order?

8. The respondent No.2/complainant has lodged the complaint before the police that the deceased is her husband and on 24.08.2020 at morning 8.00 a.m. - 8.30 a.m. her husband went to the Equitas Bank and at 9 a.m. she has received a information from one Durga Prasad that her husband deceased had consumed poison and committed suicide and immediately the deceased was shifted to the hospital but without responding to the treatment, the deceased



succumbed to the consumption of poison. It is alleged in the complaint that the petitioners who were working in the bank were constantly putting pressure to give legal opinion and to put signatures on the fake documents so as to enable to get release of loan amount. Therefore, without tolerating the said pressure and coercion put by the petitioners, the deceased had committed suicide, which is because of abetment made by the petitioners. On this complaint criminal law is set into motion, the Investigating Officer has conducted the investigation and filed the charge sheet. The charge sheet is to the effect that the petitioners have pressurized the deceased to approve the file though the records were fake for enabling the sanction of the loan amount and when the deceased had denied the pressure put by the accused/petitioner, then the petitioners have abused in a filthy language, humiliated and insulted and therefore, without tolerating the same, the deceased committed suicide. This is the case



made out in the charge sheet by the Investigating Officer.

9. The crucial question comes in the case as revealed from the charge sheet materials that whether putting pressure by the petitioners/accused on the deceased to clear the file and give legal opinion on the document even though it was fake one amounts to abetting the deceased to commit suicide. The word 'abetment' is not defined in the Indian Penal Code or in BNSS. Therefore, Section 306 of IPC shall be read conjointly with Section 107 of IPC.

Section 107 reads as follows:

"107. Abetment of a thing.—

A person abets the doing of a thing, who—

(First)— Instigates any person to do that thing; or

(Secondly)— 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, and in order to the doing of that thing; or

(Thirdly)— Intentionally aids, by any act or illegal omission, the doing of that thing.



Explanation 1.— A person who, by wilful misrepresentation, or by wilful concealment of a material fact which he is bound to disclose, voluntarily causes or procures, or attempts to cause or procure, a thing to be done, is said to instigate the doing of that thing.

Section 306 reads as follows:

306. Abetment of suicide.—

If any person commits suicide, whoever abets the commission of such suicide, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine."

10. If any person commits suicide with allegation that someone has abetted the deceased to commit suicide, then that pressure or uttering word shall have force that instigates the mind of the deceased to commit suicide. There shall be urging forward influencing the mind of the deceased to take such extreme step of committing suicide. Therefore, here the action of the abettor is important to consider whether it amounts to abetment or not. While considering the



prosecution case that the petitioners have put pressure on the deceased to approve the files by giving opinion though the documents furnished by the personnel of the bank are fake one so as to getting the sanction of loan amount, whether this would amount to instigation is the question for consideration. Except this, the prosecution does not have any material so as to say that the petitioners' action is amounting to abetting the deceased to commit suicide. The Hon'ble Supreme Court in ***Madan Mohan Singh's case*** stated supra at paragraphs 10, 11, 12, 13, 15 and 16 held as under:

"10. *We are convinced that there is absolutely nothing in this suicide note or the FIR which would even distantly be viewed as an offence much less under Section 306 IPC. We could not find anything in the FIR or in the so-called suicide note which could be suggested as abetment to commit suicide. In such matters there must be an allegation that the accused had instigated the deceased to commit suicide or secondly, had engaged with some other person in a conspiracy and lastly, that the accused had in any way aided any act or illegal omission to bring about the suicide.*



11. *In spite of our best efforts and microscopic examination of the suicide note and the FIR, all that we find is that the suicide note is a rhetoric document in the nature of a departmental complaint. It also suggests some mental imbalance on the part of the deceased which he himself describes as depression. In the so-called suicide note, it cannot be said that the accused ever intended that the driver under him should commit suicide or should end his life and did anything in that behalf. Even if it is accepted that the accused changed the duty of the driver or that the accused asked him not to take the keys of the car and to keep the keys of the car in the office itself, it does not mean that the accused intended or knew that the driver should commit suicide because of this.*

12. *In order to bring out an offence under Section 306 IPC specific abetment as contemplated by Section 107 IPC 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. The intention of the accused to aid or to instigate or to abet the deceased to commit suicide is a must for this particular offence under Section 306 IPC. We are of the clear opinion that there is no question of there being any material for offence under Section 306 IPC either in the FIR or in the so-called suicide note.*

13. *It is absurd to even think that a superior officer like the appellant would intend to bring about suicide of his driver and, therefore, abet the offence.*



*In fact, there is no nexus between the so-called suicide (if at all it is one for which also there is no material on record) and any of the alleged acts on the part of the appellant. There is no proximity either. In the prosecution under Section 306 IPC, much more material is required. The courts have to be extremely careful as the main person is not available for cross-examination by the appellant-accused. Unless, therefore, there is specific allegation and material of definite nature (not imaginary or inferential one), it would be hazardous to ask the appellant-accused to face the trial. A criminal trial is not exactly a pleasant experience. The person like the appellant in the present case who is serving in a responsible post would certainly suffer great prejudice, were he to face prosecution on absurd allegations of irrelevant nature. In the similar circumstances, as reported in *Netai Dutta v. State of W.B.*, this Court had quashed the proceedings initiated against the accused.*

15. *It was tried to be contended by the learned counsel appearing on behalf of the complainant that at this stage, we should not go into the merits of the FIR or the said suicide note. It is trite law now that where there is some material alleged in the FIR, then such FIR and the ensuing proceedings should not be quashed under Section 482 CrPC. It is for this reason that we very closely examined the FIR to see whether it amounts to a*



proper complaint for the offence under Sections 306 and 294(b) IPC.

16. *Insofar as Section 294(b) IPC is concerned, we could not find a single word in the FIR or even in the so-called suicide note. Insofar as Section 306 IPC is concerned, even at the cost of repetition, we may say that merely because a person had a grudge against his superior officer and committed suicide on account of that grudge, even honestly feeling that he was wronged, it would still not be a proper allegation for basing the charge under Section 306 IPC. It will still fall short of a proper allegation. It would have to be objectively seen whether the allegations made could reasonably be viewed as proper allegations against the appellant-accused to the effect that he had intended or engineered the suicide of the person concerned by his acts, words, etc. When we put the present FIR on this test, it falls short."*

11. Even considering the death note, the only thing is revealed that the petitioners have put pressure on the deceased to approve the files which contains fake documents so as to enabling to get sanction of the loan amount and when the deceased has refused, the petitioners have abused, humiliated and insulted, whether it is amounting to abetment to commit suicide



in the present case. But there is no prosecution material that the deceased was under the employment of the petitioners so as to heeding the pressure put by the petitioners. The petitioners are also working under the various capacities in the bank as of deceased. The prosecution does not have any material in the charge sheet that the petitioners having capacity to remove the deceased from the job that if the deceased is removed from the service, then he would put into jobless situation that is not the case of the prosecution. The deceased is not subordinate to the petitioners. The deceased is independent officer. Therefore, in this case, whether such actions alleged as against the petitioners would amount to instigation is the question for consideration. In this regard, it is worth to extract principles of law laid down by the Hon'ble Supreme Court in ***Ude Singh's case*** stated supra at paragraph Nos.15.2, 16, 24, 25 and 26.



"15. Thus, "abetment" involves a mental process of instigating a person in doing something. A person abets the doing of a thing when:

(i) xxx

(ii) he engages with one or more persons in any conspiracy for the doing of that thing; or

(iii) xxx

These are essential to complete the abetment as a crime. The word "instigate" literally means to provoke, incite, urge on or bring about by persuasion to do anything.

16. In cases of alleged abetment of suicide, there must be a proof of direct or indirect act(s) of incitement to the commission of suicide. It could hardly be disputed that the question of cause of a suicide, particularly in the context of an offence of abetment of suicide, remains a vexed one, involving multifaceted and complex attributes of human behaviour and responses/reactions. In the case of accusation for abetment of suicide, the court would be looking for cogent and convincing proof of the act(s) of incitement to the commission of suicide. In the case of suicide, mere allegation of harassment of the deceased by another person would not suffice unless there be such action on the part of the accused which compels the person to commit suicide; and such an offending action ought to be proximate to the time of occurrence. Whether a person has abetted in the commission of suicide by another or not, could only be



gathered from the facts and circumstances of each case.

24. *The contention of the appellants that their intention had never been to make her commit suicide is required to be rejected because, as noticed above, the hapless girl was intentionally chosen for humiliation by the accused, who were otherwise involved in several litigations with her parents. The accused persons also knew it that the father of the girl was posted in his duty outside the village. As noticed, the intention of the accused had only been to drive the deceased to the brink of helplessness and intolerance; they in fact succeeded in doing so on 5-5-1996, when the girl rebuked them for their utterances. However, the victim girl found no way out because the humiliation at the hands of the accused had been everyday affair; and, in the given set-up of the society she belonged to, any action against the accused by her family was being avoided for the sake of her honour.*

25. *The present case indeed represents a sordid state of affairs in relation to the young girl in the rural setting, whose honour and self-esteem got brutally violated by none other but her own relatives, who found her to be the soft target to settle their scores with her parents. The accused rather exhibited their denigrating mentality while targeting the young girl, who was otherwise required to be treated by them with affection and respect, for being their niece and their cousin. The facts of this case lead only to the*



conclusion that the accused persons had intentionally, with their incessant acts and utterances, goaded the victim girl to commit suicide. She indeed committed suicide within few hours of her last and unbearable encounter with the accused. The acts and deeds of the accused in the evening of 5-5-1996 had been too proximate to the event of suicide by 9 a.m. in the morning of 6-5-1996. As testified by PW 11 Smt Krishna, her daughter cried the whole night for being unable to bear the daily humiliation at the hands of the accused and ended her life in the morning.

26. *For what has been discussed hereinabove and having examined the matter in its totality, we find no reason to consider any interference in the impugned judgment and order dated 5-5-2008 in relation to Appellants 1 and 3."*

12. Instigation means is to goad, urge forward, provoke, incite or instigate to do an act. To satisfy the requirement of the instigation, though it is not necessary that actual words must be used to the effect or what constitutes instigation must necessarily be suggestive of the consequence. Here, the provocation urged forward should have been of such quality that, without any alternative way, it influences the mind of



the deceased inevitably to take such an extreme step of ending life by suicide, and then it may amount to abetment. When this is considered in the present case, firstly the deceased was not subordinate officer of the petitioners so as to succumb the pressure put by the accused. Even if the accused have put pressure, the deceased had ample opportunities to deny the said suggestive pressures but the deceased did not do so. Even if it was of the opinion that the petitioners were putting pressure on the deceased, then the deceased would have every liberty to make complaint against the petitioners before the higher authorities of the bank but the deceased has not done so. Therefore, mere putting pressure on the deceased by the accused does not amount to abetment to commit suicide. The abetment to do thing must be so forceful that the deceased had not have any other opportunities to think of surviving his life and without any alternative way, he could see only the end of his life, then it is amounting to



abetment to commit suicide but in the present case, there is no such element found so as to say that the pressure put by the petitioners to give opinion regarding fake documents does not have much forcefulness so as to influencing the mind of the deceased urging forward his mind to commit suicide. Therefore, there is no material to attract the offences punishable under Sections 306, 504 and 506 of IPC so as to put the accused for trial. Thus, the criminal proceedings initiated against the petitioners are nothing but found to be abuse of process of the Court.

13. Further, when post mortem was conducted on the body of the deceased, at that point of time, the alleged death note was not found from the body of the deceased. But it was detected after two days. Therefore, upon considering the *prima facie* case made out by the prosecution in the charge sheet materials, the offences under Sections 306, 504 and 506 of IPC are not attracted. Therefore, the proceedings initiated



against the petitioners are found to be abuse of process of Court warranting to interfere with Section 482 of Cr.P.C. Therefore, the petition is liable to be allowed. Hence, I answer to point No.1 in the ***negative***, point No.2 in the ***affirmative*** and point No.3 as per the following order:

ORDER

1. The Criminal Petition is ***Allowed***.
2. The charge sheet filed in C.C.No.08/2021 on the file of the Principal Senior Civil Judge and JMFC, Hospet (after committal, the matter is committed to the III Additional District and Sessions Court, Hosapete and numbered as S.C.No.5110/2021) against the accused persons for the offences punishable under Sections 306, 504 and 506 read with Section 34 of IPC, is hereby ***quashed***.

Sd/-
(HANCHATE SANJEEVKUMAR)
JUDGE