

**IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**  
**R/CRIMINAL MISC.APPLICATION (FOR QUASHING & SET ASIDE**  
**FIR/ORDER) NO. 8584 of 2022**

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TINABHAI DHANABHAI BHARWAD  
Versus  
STATE OF GUJARAT

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Appearance:

MR ASHISH M DAGLI(2203) for the Applicant(s) No. 1  
for the Respondent(s) No. 2

MS MAITHILI MEHTA, APP for the Respondent(s) No. 1

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**CORAM:HONOURABLE MR. JUSTICE ILESH J. VORA**

**Date : 07/12/2023**

**ORAL ORDER**

1. Leave to amend.
2. Heard learned advocate for the applicant.
3. The applicant is facing the charges under the offences punishable under Sections 306, 504 and 506(2) of the Indian Penal Code. The applicant and the deceased were serving in the same school. Deceased Prakash was serving as Principal in the school. Deceased Prakash, as per the allegation, was under depression and fed up with the affairs of the accused as he was used to come late in the school and did not obey the instructions of the deceased. It is alleged that the applicant threatened the deceased that if he asks about reporting to the school, then he

will kill.

4. In these background facts, on 23.03.2022, deceased committed suicide by consuming the poisonous substance. Wife of the deceased i.e. respondent no.2 after one month of the incident i.e. 28.04.2022, lodged an FIR *inter alia* alleging that her husband committed suicide because of continuing the harassment at the instance of the applicant herein. During the course of investigation, except statement of the witnesses, nothing found about suicide note or other evidence pointing to the involvement of the accused in the alleged suicide. Present application is filed by the accused for quashing of criminal proceedings mainly on the ground that the allegation lacks the ingredients of Section 107 of the IPC and the proceedings has been instituted by the wife of the deceased after a long delay without any explanation with a view to harass the applicant.

5. Having heard learned advocate for the applicant and learned APP for the respondent – State on advanced copy, this Court is of the *prima facie* view that the allegation does not fall under the term “abatement” as defined under Section 107 of the IPC. Thus, the matter deserves consideration. Let **Rule** be issued, returnable on 14.02.2024. Learned APP waives service of rule for the respondent – Stat. Meanwhile, there shall be no

further proceedings before the Sessions Court with respect to Sessions Case No.1 of 2023 pending before the 3<sup>rd</sup> Additional Sessions Judge, Dholka at Ahmedabad Rural.

Rakesh

**(ILESH J. VORA,J)**