

**IN THE HIGH COURT OF MADHYA PRADESH
AT INDORE
BEFORE
HON'BLE SHRI JUSTICE SUBODH ABHYANKAR
ON THE 13th OF FEBRUARY, 2024
MISC. CRIMINAL CASE No. 60531 of 2021**

BETWEEN:-

**RAVI MAHESHWARI S/O SHIV KUMAR
MAHESHWARI, AGED ABOUT 37 YEARS,
OCCUPATION: BUSINESS 535, GOYAL VIHAR
(MADHYA PRADESH)**

.....PETITIONER

(BY SHRI MANU MAHESHWARI, ADVOCATE)

AND

- 1. THE STATE OF MADHYA PRADESH STATION
HOUSE OFFICER THR. P.S. LALGHATI
(MADHYA PRADESH)**
- 2. MOHANLAL HIRVE S/O MUNNALAL HIRVE,
AGED ABOUT 60 YEARS, BHAVSAR MOHALLA
(MADHYA PRADESH)**

.....RESPONDENTS

(BY SHRI MUKESH SHARMA, P.L./G.A.

NONE FOR THE RESPONDENT NO.2)

.....
*This petition coming on for admission this day, the court passed
the following:*

ORDER

Heard finally, with the consent of the parties.

- 2]** So far as the respondent No.2 is concerned, as per the service report dated 28.01.2023, he has already died and is not represented.

3] This petition has been filed by the petitioner under Section 482 of the Cr.P.C., for quashing the FIR dated 17.10.2019, lodged at Crime No.198 of 2019 at Police Station Lalghati, Shajapur under Sections 306, 201 of the Indian Penal Code, 1860 and Section 3(2)(v) of the SC and ST (Prevention of Atrocities) Act, 1989 (in short 'the SC/ST Act') and all the subsequent proceedings arising out the aforesaid crime number.

4] In brief, the facts of the case are that on 01.10.2019, the deceased Pankaj Hirve aged 37 years, tried to commit suicide by consuming *celphos*, and he died in the intervening night of 02.10.2019 and 03.10.2019, while he was hospitalized in Bombay Hospital, Indore. A *merg* was registered and the investigation ensued. The challan was filed on 23.01.2020, under Sections 306 and 201 of the IPC and Section 3(2)(v) of the SC/ST Act. The petitioner was also granted the anticipatory bail and is now facing the trial.

5] The case of the prosecution is that the deceased was involved in forward commodity trading and was carrying on illegal business in NCDEX (commodity exchange), in which oral transactions were made on the basis of the relations of the deceased, and the petitioner Ravi Maheshwari was the client of the deceased, who had made huge forward transactions in castor seeds, and as the rate of the castor seeds fell sharply, the transactions which were made by the petitioner Ravi Maheshwari fell into default, for which the petitioner was responsible and the concerned persons through whom the petitioner was carrying out the trading activity, namely, Anivash @ Sonu Nayak S/o Manoharsingh Nayak, C. P. Chawda, S/o Radheshyam Chawda and

Rajesh Mewada, all residents of Shajapur and Rajesh Tanted of Bhopal started demanding the money from the deceased, and the deceased in turn was asking Ravi Maheshwari to clear his dues. However, all these persons harassed the deceased to such an extent that he ultimately committed suicide by consuming celphos as aforesaid.

6] Shri Manu Maheshwari, learned counsel for the petitioner has submitted that on perusal of the charge-sheet, it becomes clear that the ingredients of Section 107 of the IPC are not made out as there was no abetment on the part of the petitioner which could have led the deceased Pankaj Hirve to commit suicide. It is further submitted that as per the prosecution, the petitioner owed certain amount to the deceased and despite various demands made by the deceased, the petitioner was not discharging his liabilities, which led the deceased to commit suicide.

7] It is further submitted that there is nothing on record to suggest that the petitioner made any transaction through forward trading in NCDEX through the deceased, and even otherwise, if there were any dues, the deceased could have filed a civil suit also for the recovery of the same, but he having resorted to the final step of committing suicide, petitioner cannot be said to be responsible for the abetment of the same. It is also found that in the police statements of the witnesses, it is stated that the other co-accused persons were harassing the deceased and asking for their payment and the deceased in turn was asking for the said payment from the petitioner, thus it is submitted that the ingredients of Section 106 are clearly missing in

the case, hence the petition be allowed and the FIR and the charge-sheet filed against the petitioner be quashed.

8] Counsel for the petitioner has also referred to the various decisions rendered by the Co-ordinate Benches of this Court to substantiate his arguments.

9] Counsel for the State has opposed the prayer and it is submitted that no case for interference is made out.

10] Heard. Having considered the rival submissions and on perusal of the charge-sheet, this Court finds that no suicide note is left by the deceased and it is only during the investigation that it has come to light that the deceased was engaged in forward trading business through MCX and NCDEX and was engaged in the forward trading of castor seeds. It is also found that the allegations against the petitioner are that he had made certain transactions through the deceased in respect of the forward trading of castor seeds, however, no such documents have been collected during the investigation. According to the prosecution, petitioner Ravi Maheshwari owed Rs.65 lakhs to the deceased, however, there is nothing on record to confirm the aforesaid allegation, and even otherwise, this Court is also of the considered opinion that non-payment of money, which is owed to any person, cannot amount to an act of abetment to commit suicide.

11] In such circumstances, this Court is inclined to allow the present petition as the ingredients of the offence of abetment cannot be said to be made out against the present petitioner.

12] Accordingly, the petition stands *allowed* and the FIR dated 17.10.2019 lodged at Crime No.198 of 2019 at Police Station Lalghati, Shajapur under Sections 306, 201 of the Indian Penal Code, 1860 and Section 3(2)(v) of the SC and ST Act as also the subsequent charge-sheet filed so far as it relates to the petitioner, are hereby *quashed*.

13] With the aforesaid, the petition stands *allowed* and *disposed of*.

(SUBODH ABHYANKAR)
JUDGE

Bahar