



**IN THE HIGH COURT OF MADHYA PRADESH
AT INDORE**

BEFORE

HON'BLE SHRI JUSTICE SUBODH ABHYANKAR

ON THE 9th OF SEPTEMBER, 2024

MISC. CRIMINAL CASE No. 7024 of 2024

AMAN AGRAWAL

Versus

THE STATE OF MADHYA PRADESH AND OTHERS

Appearance:

Shri Vivek Phadke - Advocate for the petitioner.

*Shri Vishal Singh Panwar – G.A./P.L. for respondent
No.1/State.*

ORDER

1] Heard finally, with the consent of the parties.

2] This petition has been filed by the petitioner under Section 482 of Cr.P.C., for quashing the FIR lodged at Crime No.328/2023 on 26.03.2023, at Police Station Bhawarkuan, Indore, under Section 306 of the IPC; charge-sheet and all other subsequent proceedings arising out of the aforesaid crime number.

3] Facts in brief, giving rise to the present petition are that an FIR was lodged on 26.03.2023, under Section 306 of the IPC against the petitioner Aman Agrawal, alleging abetment by him of suicide by the deceased Shaily Singh, as she committed suicide by hanging on 25.03.2023, pursuant to which, the charge-sheet



has also been filed against the petitioner.

4] Shri Vivek Phadke, learned counsel for the petitioner has submitted that even assuming the contents of the charge-sheet to be unrebutted, no case under Section 306 of the IPC is made out against the petitioner, who was simply engaged in his profession of teaching, and if he has given special attention to the deceased while in the class, it would not amount to abetment to commit suicide. Counsel has also drawn the attention of this Court to the statements of the witnesses recorded u/s.161 of Cr.P.C. to submit that even assuming that the applicant was taking special interest in the deceased Shaily Singh, it cannot be said that he abetted her to commit suicide.

5] Shri Phadke has also submitted that only because the other students used to tease the deceased, she has committed suicide, and the petitioner cannot be held responsible for the same. It is also submitted that no telephonic conversation or other document has been filed on record by the prosecution to connect the petitioner with the offence. Thus, it is submitted that the petition deserves to be allowed and the FIR and the subsequent chargesheet be quashed.

6] In support of his submissions, Shri Phadke has relied upon the decisions rendered by the Supreme Court in the case of *Geo Varghese Vs. State of Rajasthan and Another*, passed in *CRA No.1164 of 2021* dated *05.10.2021*, as also the order passed by



the Co-ordinate Bench of this Court in the case of ***Rajesh Vs. State of M.P.***, in ***M.Cr.C. No. 11541/2023***, dated ***14.03.2024*** and ***Ramkhilawan Dwivedi and Others Vs. State of M.P.***, in ***M.Cr.C. No.25836/2023*** dated ***08.04.2024***.

7] The prayer is opposed by the counsel for the State, and it is submitted that no case for interference is made out, looking to the material available against the petitioner on record.

8] No reply has been filed by the respondent No.2 despite service of notice and there is no representation also.

9] Heard counsel for the parties and perused the record.

10] From the record, it is found that the deceased committed suicide in the morning, on 25.03.02023, whereas, the FIR has been lodged on 26.03.2023 by the uncle of the deceased, Jagdish Singh Rajput, at around 13:52 hours, in which the name of the petitioner has surfaced as the person who used to harass the deceased. It is also found that in the statements recorded under Section 161 of Cr.P.C., various persons have made allegations against the petitioner about his conduct towards the deceased, which led the deceased to face all sorts of teasing by the other students in the coaching center, which has led her to commit suicide. Certain instances have also been narrated by the witnesses which also indicate the petitioner's obsession with the deceased, which make out a prima facie case against the petitioner.



11] In such circumstances, this Court is not inclined to interfere in the present case at this stage, as it does not appear to be a fit case to exercise the jurisdiction of this Court under Section 482 of Cr.P.C.

12] So far as the decisions relied upon by the counsel for the petitioner are concerned, the same are distinguishable and are of no avail to him.

13] Accordingly, the petition being devoid of merit is hereby *dismissed*.

14] It is made clear that this Court has not reflected upon the merits of the case, and the learned Judge of the Trial Court shall be solely guided by the evidence on record by the parties.

15] Accordingly, the petition stands **dismissed** and **disposed of**.

(SUBODH ABHYANKAR)
JUDGE

Bahar