

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

BEFORE

HON'BLE SHRI JUSTICE GURPAL SINGH AHLUWALIA

ON THE 7th OF MAY, 2024

MISC. CRIMINAL CASE No. 27101 of 2023

BETWEEN:-

1. **DR. SHIVANI NISHAD D/O LT. RAMESH NISHAD, AGED ABOUT 39 YEARS, OCCUPATION: DOCTOR (HOMEOPATHY) R/O WARD NO 32 BALAGHAT THANA AND TEHSIL BALAGHAT DISTRICT BALAGHAT (MADHYA PRADESH)**
2. **RANI NISHAD W/O LT. RAMESH NISHAD, AGED ABOUT 63 YEARS, OCCUPATION: HOUSEWIFE R/O WARD NO.32, BALAGHAT THANA AND TEHSIL BALAGHAT, DISTRICT BALAGHAT (MADHYA PRADESH)**

.....APPLICANT

(BY MS. INDU PANDE - ADVOCATE)

AND

1. **THE STATE OF MADHYA PRADESH THROUGH POLICE STATION BAMHANI DISTRICT MANDLA (MADHYA PRADESH)**
2. **CHANDRASHEKHAR AHUJA S/O NOT MENTION R/O WARD NO. 32, MOTINAGAR, BALAGHAT, DISTRICT BALAGHAT (MADHYA PRADESH)**

.....RESPONDENTS

(BY SHRI DILIP PARIHAR - ADVOCATE)

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

ORDER

This application under Section 482 of Cr.P.C. has been filed for quashment of criminal proceedings initiated against applicants in Crime

No.39/2023 registered for offence under Section 306 IPC at Police Station Bamhani District Mandla.

2. The applicants have impleaded Chandra Shekhar Ahuja as respondent No.2 but Chandra Shekar @ Pawan Ahuja is the person, who has committed suicide. Therefore, instead of making the mother of the deceased as respondent No.2, applicants have impleaded the deceased as respondent No.2. How the applicants would serve the deceased and how the application against the deceased is maintainable has not been clarified by the applicants.

3. According to prosecution case, on 20.12.2022, an information was received that the deceased Chandra Shekhar @ Pawan Ahuja has committed suicide by hanging himself. Inquest enquiry was conducted and a suicide note left by the deceased was recovered from the left pocket of the pant of the deceased. The said suicide note was written in Hindi and was in red ink, which was signed by the deceased himself. The Post Mortem of the deceased was got done. On the basis of suicide note as well as on the basis of statements of witnesses, namely Smt. Shanti Ahuja, Anees Memon, Mahendra Ramtekkar, Govind Thakur, Anmol Verma, Amit Ahuja and Ankit Rai, the Police registered the offence under Section 306 of IPC against the applicants.

4. Challenging the FIR as well as criminal proceedings, it is submitted by counsel for the applicants that even if the entire allegations are accepted, then it would be clear that ingredients of Section of 107 of Cr.P.C. are not made out. In fact mother of the deceased herself was a notorious person and was creating all sorts of nuisance in the society. Multiple complaints were made by the residents of the society against mother of the deceased. To buttress her contention, counsel for

applicants has relied upon the judgments passed by the Supreme Court in the case of **M. Mohan Vs. State of Tr. Dy. Supdt. Of Police** reported in **(2011) 3 SCC 626** and **Ganjula Mohan Reddy Vs. State of A.P.** reported in **(2010) 1 SCC 750**.

5. *Per contra*, the application is vehemently opposed by the counsel for the State. It is submitted that FIR as well as statements of the witnesses clearly indicates that by threatening the deceased to falsely implicate in a false case of rape, the applicants had created a situation where the deceased was left with no other option but to put an end to his life. Taunting and humiliation at the hands of the applicants was not the singular event but it was a continuous torture. Even it is clear from the statements of the witnesses that the deceased was under the continuous threat given by applicant No.1 for falsely implicating him in a case of rape and eve teasing and when the threatening was to the extent of demeaning and destroying his self esteem, then it would amount to abetment of suicide. To buttress their contention, the counsel for respondents has relied upon the judgment passed by the Supreme Court in the case of **UDE Singh and Others Vs. State of Haryana** reported in the **AIR 2019 Supreme Court 4570**.

6. Considered the submissions made by counsel for the parties.

7. Before considering the facts and circumstance of the case, this Court would like to consider the law governing the field of abatement to commit suicide.

8. Section 306 of I.P.C. reads as under :-

“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.“

9. “Abetment” is defined under Section 107 of I.P.C. which reads as under :-

“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 willful misrepresentation, or by willful 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.

Illustration

A, a public officer, is authorised by a warrant from a Court of Justice to apprehend Z. B, knowing that fact and also that C is not Z, willfully represents to A that C is Z, and thereby intentionally causes A to apprehend C. Here B abets by instigation the apprehension of C.

Explanation 2.—Whoever, either prior to or at the time of the commission of an act, does anything in order to facilitate the commission of that act, and thereby facilitate the commission thereof, is said to aid the doing of that act.”

10. The Supreme Court in the case of **Chitresh Kumar Chopra vs. State (Government of NCT of Delhi)** reported in **(2009) 16 SCC 605**, while dealing with the term “instigation”, held as under :-

“16.....instigation is to goad, urge forward, provoke, incite or encourage to do “an act”. To

satisfy the requirement of ‘instigation’, though it is not necessary that actual words must be used to that effect or what constitutes ‘instigation’ must necessarily and specifically be suggestive of the consequence. Yet a reasonable certainty to incite the consequence must be capable of being spelt out. *Where the accused had, by his acts or omission or by a continued course of conduct, created such circumstances that the deceased was left with no other option except to commit suicide, in which case, an ‘instigation’ may have to be inferred.* A word uttered in a fit of anger or emotion without intending the consequences to actually follow, cannot be said to be instigation.

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” (see *Oxford Advanced Learner’s Dictionary*, 7th Edn.).”

11. The Supreme Court in the case of **Praveen Pradhan vs. State of Uttaranchal and Anothers** reported in (2012) 9 SCC 734 held as under :-

“17. The offence of abetment by instigation depends upon the intention of the person who abets and not upon the act which is done by the person who has abetted. The abetment may be by instigation, conspiracy or intentional aid as provided under Section 107 IPC. However, the words uttered in a fit of anger or omission without any intention cannot be termed as instigation. (Vide: *State of Punjab v. Iqbal Singh* ((1991) 3 SCC 1), *Surender v. State of Haryana* ((2006) 12 SCC 375, *Kishori Lal v. State of M.P.* (2007) 10 SCC 797) and *Sonti Rama Krishna v. Sonti Shanti Sree* ((2009) 1 SCC 554)

18. In fact, from the above discussion it is apparent that instigation has to be gathered from the circumstances of a particular case. No straitjacket formula can be laid down to find out as to whether in a particular case there has been instigation which forced the person to commit suicide. In a particular case, there may not be direct evidence in regard to instigation which may have direct nexus to suicide. Therefore, in such a case, an inference has to be drawn from the circumstances and it is to be determined whether circumstances had been such which in fact had created the situation that a person felt totally frustrated and committed suicide. More so, while dealing with an application for quashing of the proceedings, a court cannot form a firm opinion, rather a tentative view that would evoke the presumption referred to under Section 228 CrPC.”

12. The Supreme Court in the case of **Sanju @ Sanjay Singh Sengar vs. State of M.P.** reported in **(2002) 5 SCC 371** has held as under :-

“6. Section 107 IPC defines abetment to mean that a person abets the doing of a thing if he firstly, 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.”

Further, in para 12 of the judgment, it is held as under:

“12. The word “instigate” denotes incitement or urging to do some drastic or inadvisable action or to stimulate or incite. Presence of *mens rea*, therefore, is the necessary concomitant of instigation.”

13. The Supreme Court in the case of **Gangula Mohan Reddy vs. State of Andhra Pradesh** reported in **(2010) 1 SCC 750** needs mentioned here, in which Hon'ble Apex Court has held that "abatement involves a mental process of instigating a person or intentionally aiding a person in doing of a thing. Without a positive act on part of accused to instigate or aid in committing suicide, conviction cannot be sustained. In order to convict a person under section 306 IPC, there has to be a clear *mens rea* to commit offence. It also requires an active act or direct act which leads deceased to commit suicide seeing no option and this act must have been intended to push deceased into such a position that he commits suicide. Also, reiterated, if it appears to Court that a victim committing suicide was hypersensitive to ordinary petulance, discord and differences in domestic life quite common to society to which victim belonged and such petulance, discord and differences were not expected to induce a similarly circumstances individual in a given society to commit suicide, conscience of Court should not be satisfied for basing a finding that accused charged of abetting suicide should be found guilty. Herein, deceased was undoubtedly hypersensitive to ordinary petulance, discord circumstances of case, none of the ingredients of offence under Section 306 made out. Hence, appellant's conviction, held unsustainable".

14. In the case of **State of West Bengal vs. Orilal Jaiswal and Another** reported in **(1994) 1 SCC 73**, the Supreme Court has held that "This Court has cautioned that the Court should be extremely careful in assessing the facts and circumstances of each case and the evidence adduced in the trial for the purpose of finding whether the cruelty meted out to the victim had in fact induced her to end the life by committing

suicide. If it appears to the Court that a victim committing suicide was hypersensitive to ordinary petulance, discord and differences in domestic life quite common to the society to which the victim belonged and such petulance, discord and differences were not expected to induce a similarly circumstanced individual in a given society to commit suicide, the conscience of the Court should not be satisfied for basing a finding that that accused charged of abetting the offence of suicide should be found guilty.”

15. The Supreme Court in the case of **M. Mohan vs. State represented by the Deputy Superintendent of Police** reported in **AIR 2011 SC 1238** has held that “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 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 this act must have been intended to push the deceased into such a position that he/she committed suicide.”

16. The Supreme Court in the case of **Kishori Lal vs. State of M.P.** reported in **(2007) 10 SCC 797** has held in para 6 as under:-

“6. Section 107 IPC defines abetment of a thing. The offence of abetment is a separate and distinct offence provided in IPC. A person, abets the doing of a thing when (1) he instigates any person to do that thing; or (2) engages with one or more other persons in any conspiracy for the doing of that thing; or (3) intentionally aids, by act or illegal omission, the doing of that thing. These things are essential to complete abetment as a crime. The word “instigate” literally means

to provoke, incite, urge on or bring about by persuasion to do any thing. The abetment may be by instigation, conspiracy or intentional aid, as provided in the three clauses of Section 107. Section 109 provides that if the act abetted is committed in consequence of abetment and there is no provision for the punishment of such abetment, then the offender is to be punished with the punishment provided for the original offence. "Abetted" in Section 109 means the specific offence abetted. Therefore, the offence for the abetment of which a person is charged with the abetment is normally linked with the proved offence."

17. In the case of **Amalendu Pal @ Jhantu vs. State of West Bengal** reported in **(2010) 1 SCC 707**, the Supreme Court has held as under:-

“12. Thus, this Court has consistently taken the view that before holding an accused guilty of an offence under Section 306 IPC, the Court must scrupulously examine the facts and circumstances of the case and also assess the evidence adduced before it in order to find out whether the cruelty and harassment meted out to the victim had left the victim with no other alternative but to put an end to her life. It is also to be borne in mind that in cases of alleged abetment of suicide there must be proof of direct or indirect acts of incitement to the commission of suicide. Merely on the allegation of harassment without their being any positive action proximate to the time of occurrence on the part of the accused which led or compelled the person to commit suicide, conviction in terms of Section 306 IPC is not sustainable.

13. In order to bring a case within the purview of Section 306 IPC there must be a case of suicide and in the commission of the said offence, the person who is said to have abetted the commission of suicide must have played an active role by an act of instigation or by doing

certain act to facilitate the commission of suicide. Therefore, the act of abetment by the person charged with the said offence must be proved and established by the prosecution before he could be convicted under Section 306 IPC.

14. The expression ‘abetment’ has been defined under Section 107 IPC which we have already extracted above. A person is said to abet the commission of suicide when a person instigates any person to do that thing as stated in clause firstly or to do anything as stated in clauses secondly or thirdly of Section 107 IPC. Section 109 IPC provides that if the act abetted is committed pursuant to and in consequence of abetment then the offender is to be punished with the punishment provided for the original offence. Learned counsel for the respondent State, however, clearly stated before us that it would be a case where clause ‘thirdly’ of Section 107 IPC only would be attracted. According to him, a case of abetment of suicide is made out as provided for under Section 107 IPC.

15. In view of the aforesaid situation and position, we have examined the provision of clause thirdly which provides that a person would be held to have abetted the doing of a thing when he intentionally does or omits to do anything in order to aid the commission of that thing. The Act further gives an idea as to who would be intentionally aiding by any act of doing of that thing when in Explanation 2 it is provided as follows:

“Explanation 2.- Whoever, either prior to or at the time of the commission of an act, does anything in order to facilitate the commission of that act, and thereby facilitates the commission thereof, is said to aid the doing of that act.”

16. Therefore, the issue that arises for our consideration is whether any of the aforesaid clauses namely firstly alongwith explanation 1 or more particularly thirdly with Explanation 2 to Section 107 is attracted in the facts and

circumstances of the present case so as to bring the present case within the purview of Section 306 IPC.”

18. The Supreme Court in the case of **Amit Kapur vs. Ramesh Chander and Another** reported in **(2012) 9 SCC 460** has held as under :-

"35. The learned counsel appearing for the appellant has relied upon the judgment of this Court in *Chitresh Kumar Chopra v. State (Govt. of NCT of Delhi)* (2009) 16 SCC 605 to contend that the offence under Section 306 read with Section 107 IPC is completely made out against the accused. It is not the stage for us to consider or evaluate or marshal the records for the purposes of determining whether the offence under these provisions has been committed or not. It is a tentative view that the Court forms on the basis of record and documents annexed therewith. No doubt that the word “instigate” used in Section 107 IPC has been explained by this Court in *Ramesh Kumar v. State of Chhattisgarh* (2001) 9 SCC 618 to say that where the accused had, by his acts or omissions or by a continued course of conduct, created such circumstances that the deceased was left with no other option except to commit suicide, an instigation may have to be inferred. In other words, instigation has to be gathered from the circumstances of the case. All cases may not be of direct evidence in regard to instigation having a direct nexus to the suicide. There could be cases where the circumstances created by the accused are such that a person feels totally frustrated and finds it difficult to continue existence."

19. The Supreme Court in the case of **Ramesh Kumar Vs. State of Chhattisgarh** reported in **(2001) 9 SCC 648** has held that “a word uttered in the fit of anger or emotion without intending the consequences

to actually follow cannot be said to be instigation. If it transpires to the court that a victim committing suicide was hypersensitive to ordinary petulance, discord and differences in domestic life quite common to the society to which the victim belonged and such petulance, discord and differences were not expected to induce a similarly circumstanced individual in a given society to commit suicide, the conscience of the court should not be satisfied for basing a finding that the accused charged of abetting the offence of suicide should be found guilty."

20. The Supreme Court in the case of **Kumar @ Shiva Kumar Vs. State of Karnataka** decided on 01.03.2024 in **Criminal Appeal No.1427/2011** has also laid down the same law.

21. The Supreme Court in the case of **UDE Singh (supra)** has held as under:

“21. In the given set-up and the respective position of the parties, if Accused 1 continuously addressed or called the deceased girl as his “wife”, in our view, the utterance was not merely of teasing but of demeaning and destroying the self-esteem of the young girl whose engagement had broken and whose uncle was mocking her to join him in matrimony. It was the act of humiliation of highest order for the girl, who had personally suffered the set-back of broken engagement, apart from that she was unable to clear even 10th standard examination. Obviously, she was being ridiculed and taunted for her broken engagement. The other accused persons chose to join Accused 1 and aggravated the humiliation of the girl by addressing her as younger brother's wife or aunt. There remains nothing to doubt that the accused persons were working with the common intention to harass and humiliate the girl with reference to her

broken engagement. The significant part of the matter is that such taunting and humiliation of the deceased at the hands of the accused persons had not been a singular event or one-off affair but had been a continuous feature, as amply established by the prosecution witnesses. The incident of 5-5-1996 drew the final straw when the hapless girl received the same taunts from the accused persons and she even rebuked them. We find no reason to disbelieve the statement of PW 2 Jai Narain as regards the incident of 5-5-1996. Equally, there is no reason to disbelieve the statement of PW 11 Smt Krishna that her daughter wept the whole night after the said incident; and on being frustrated and exasperated with such humiliations, expressed her intention to end her life. The fact of the matter remains that the victim girl ended her life in the early morning very next day.

22. Taking an overall view of the matter, we are satisfied that the present one had not been a case of a mere eve teasing, insult or intimidation but the continuous and repeated acts and utterances of the accused persons were calculated to bring disgrace to the village girl and to destroy her self-esteem; rather the acts and utterances were aimed at taking her to the brink of helplessness and to the vanishing point of tolerance. It had not been a case of mere intimidation or insult. The incessant intimidation and insult of the innocent girl had been of instigation; and such instigation clearly answers to the description of abetment of suicide. Therefore, in our view, Accused 1 and 3 have rightly been held guilty of offence of abetment of suicide.”

22. According to prosecution case, the deceased committed suicide after leaving his suicide note alleging the he is fed up with the cases, which are pending in the Court and his neighbours Dr. Shivani Nishad,

her mother Rani Nishad, Kailas Nandanawar, Anita Nandanwar, Tijan Bai had lodged multiple cases against the deceased and his mother on false pretext and has spoiled his career. He went to Indore after mortgaging his house for coaching purposes so that he can serve the family after getting some job but on account of cases, which have been registered against him, neither he is able to concentrate on his studies nor he is residing in his house. Reason for residing in Bamhani Banjar is that applicant No.1 Shivani Didi is threatening that they should leave the colony after selling the house otherwise she would falsely implicate him in the case of rape and eve teasing and would send him to jail. Because of this threat he is so afraid that it has become difficult for him to live. Whenever, he went to the Police Station to lodge report against the applicants, then Shailesh Gautam and Maate, who are known to Shivani Didi and are posted as Constable did not register the case as a result he is very upset. He is in Bamhani, whereas the accused are always fighting with his mother and try to assault her and therefore, he tried to alienate his house but even the same could not be done. The condition of the family is not good. Money is being spent in the cases pending in the Court. On account of so much of harassment by his neighbours he has lost his strength to tolerate the same and therefore, his will power has come to an end. The God will never forgive these persons. These persons are the murders and on account of their activities, he has reached to such state. Even after his death if these persons are not satisfied, then it is not known that what they will do to his family. Accordingly a request was made to the Court, Government and Police that a severe punishment should be given to these persons specifically Shivani Nishad and Kailash Nandanwar. He also tendered his apology

to his mother for leaving her in the mid way. He also claimed that he himself was weak and instead of fighting, he is running away from his life. He also requested that she should not cry on his death.

23. From the plain reading of the aforesaid suicide note, it is clear that the relationship of the neighbours with the family of the deceased were not cordial. Multiple cases were registered against deceased and his mother. Although the deceased had gone to Indore in connection with coaching but because of institution of pending cases, he was unable to concentrate on his studies. Even applicant No.1 was insisting that deceased and her mother should leave the colony after alienating the property otherwise she would falsely implicate him in a case of rape and eve teasing and would send him to jail.

24. As held by the Supreme Court in the case of **UDE Singh (supra)** a constant threat to falsely implicate the deceased in a case of rape and eve teasing and to send him to jail would not be a mere empty threat but it would demean and destroy his self-esteem as well as his career by branding him as a criminal of committing a heinous crime of rape and by ensuring that the deceased is lodged in jail on the basis of false allegations. If the deceased was afraid and was apprehensive of destruction of his self-esteem and respect in the society, then on account of daily humiliation at the hands of the accused persons, if the deceased committed suicide, then *prima facie* an offence under Section 306 of IPC would be made out.

25. Therefore, there are specific allegations against applicant No.1 for abetting the deceased to commit suicide.

26. It is submitted by counsel for applicants that since applicant No.1 is a Doctor, therefore, she may not be compelled to face the ordeal of

trial. However, counsel for applicants could not point out any provision of law, under which a Doctor can seek exemption from the provisions of Indian Penal Code.

27. So far as applicant No.2 Smt. Rani Nishad is concerned, although there is no specific allegation in the suicide note regarding threat to falsely implicate the deceased in a case of rape and eve teasing but from the statements of the witnesses, it is clear that Rani Nishad was also sharing the common intention.

28. Shanti Ahuja has stated that she had lost her elder son, when he was aged about 3 years, whereas her younger son Chandra Shekhar @ Pawan Ahuja was residing in Indore in connection with his studies. Her dispute with the applicants, Tijan Bai, Kailash Nandanwar and his wife Anita is going on for the last 10 years on the question of dumping garbage in the drain situated in front of the house. In the year 2020 also they had some dispute and accordingly she had lodged report in Police Station Kotwali, District Balaghat against Kailash Nandanwar and his wife Anita and on that account these persons had lodged two reports in one day against Shanti Ahuja and her son Chandra Shekhar @ Pawan Ahuja. It was further stated that her son Chandra Shekhar @ Pawan Ahuja was not involved in the dispute but his name was falsely implicated to harass him. In the month of July, 2022 her son came to Balaghat, then Kailash Nandanwar and Anita Nandanwar shifted to other place but in spite of that they used to visit their house. All the five persons, namely the applicants, Tijanbai, Kailash Nandanwar and Anita used to threaten her son Chandra Shekhar @ Pawan Ahuja that they would spoil his career. These persons were passing taunts against her as well as against her son on daily basis. They were alleging that Smt. Shanti

Ahuja and her son Chandra Shekhar @ Pawan Ahuja are shameless persons, who are not getting adversely effected on account of registration of FIR. They were also alleging that if they would have faced such a situation, then they would have died. On various occasions, applicant No.1 had given a threat to falsely implicate in a case of rape. As a result her son was very depressed. He was saying to his father that the neighbours are not stopping their activities. Thereafter, her husband persuaded his son and took him to Bamhani, District Mandla in the month of October, 2022. In the meanwhile, on 28.11.2022 both the applicants had a dispute with Shanti Ahuja on the question of dumping of garbage. Then she narrated the incident to her son on phone. Her son Chandra Shekhar replied that she should lodge a report and accordingly, she went to Police Station to lodge the report. On 8.12.2022 her son came back to Balaghat and he was very depressed and down-hearted. He was saying that on the false allegations multiple cases have been registered, which is haunting him all the time. Even applicant No.1 is extending a threat to falsely implicate him in a case of rape. Then she tried to encourage her son that nothing will happen and with passage of time, the things will improve. On the next day, he went back to Bamhani. In the meanwhile, on 17.12.2022, her husband came to Balaghat and informed that very soon they will alienate the house and will get rid of all the difficulties because deceased Chandra Shekhar @ Pawan is very upset, then she requested her husband to take care of Pawan. Her husband went to Bamhani on 20.12.2022 and informed her that the deceased has committed suicide. Thereafter, this witness went to Bamhani along with Anees Bhai and other family members. Police had already reached. Accordingly, it was alleged that her son Chandra

Shekhar has committed suicide on account of false case as well as a threat to falsely implicate him in a case of rape. For that the applicants, Tijan Bai, Kailash Nandanwar and his wife Anita are responsible. All the time her son was saying that he is making preparation for PSC and they have spoiled his career by lodging the report and now he would not be able to get any job and on that issue he was under constant pressure. Similar allegations have been made by the other witnesses.

29. If the statement of Smt.Shanti Ahuja is considered in the light of judgment passed by the Supreme Court in the case of **UDE Singh (supra)**, then it is clear that the deceased, who was making preparation for appearing in PSC for getting a Government job, was upset because of his false implication in criminal cases he would not get any Government job apart from the continuous threat of his false implication in a case of rape and eve-teasing. He was further upset by the continuous taunts that he is a shameless person and has not died in spite of registration of cases.

30. Under these circumstances, this Court is of considered opinion that sufficient material has been made out for prosecution of the applicants for offence under section 306 of IPC.

31. Accordingly, the application fails and is hereby **dismissed**.

(G.S. AHLUWALIA)
JUDGE

SR*