

Manoj Kumar Jain vs The State Of Madhya Pradesh on 4 March, 2025

Author: Vishal Dhagat

Bench: Vishal Dhagat

NEUTRAL CITATION NO. 2025:MPHC-JBP:9999

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IN THE HIGH COURT OF MADHYA PRADESH
AT JABALPUR
BEFORE
HON'BLE SHRI JUSTICE VISHAL DHAGAT
ON THE 4th OF MARCH, 2025
WRIT PETITION No. 39377 of 2024
MANOJ KUMAR JAIN
Versus
THE STATE OF MADHYA PRADESH
Appearance:
Shri Alok Vagrecha - Advocate for the petitioner.
Shri Darshan Soni - Government Advocate for the State.

ORDER

Petitioner has filed this petition under Article 226/227 of the Constitution of India making a prayer for quashing of charge sheet in connection with Crime No.681/2024 registered at Police Station-Police Station House Kotwali, District-Tikamgarh (MP) under Section 105 of the Bhartiya Nyaya Sanhita, (BNS) 2023.

2. Learned counsel appearing for the petitioner submitted that deceased were living in first floor of Aston Emporium which caught fire.

Due to said fire, deceased died. Petitioner was resident of second floor in the same building/Emporium. He escaped his death by descending from backside of said building. It is submitted that allegation is made that petitioner was having knowledge that there is an alternate way to the building by which deceased could be saved. Petitioner did not inform said fact to firefighting unit/police authority. Had he informed the alternate way to police then lives of deceased could be save. On said basis, police registered offence NEUTRAL CITATION NO. 2025:MPHC-JBP:9999 2 WP-39377-2024 under Section 100 of the BNS which is punishable under Section 105 of the BNS, 2023 against the petitioner. Counsel appearing for the petitioner submitted that no knowledge, intention or any mens rea can be attributed on the part of petitioner, if he had not informed police about alternate way. No offence under Section 100 of the BNS will be made out

for his omission to not inform police regarding alternate way.

3. Learned Government Advocate appearing for the State submitted that petitioner did not inform the police regarding alternate way. Death resulted due to omission on the part of petitioner, therefore, the act of omission will be covered under Section 100 of the BNS, 2023.

4. Heard the counsel for the parties.

5. Section 100 of the Bhartiya Nyaya Sanhita, (BNS) 2023 is quoted as under:-

"100. Whoever causes death by doing an act with the intention of causing death, or with the intention of causing such bodily injury as is likely to cause death, or with the knowledge that he is likely by such act to cause death, commits the offence of culpable homicide."

6. On going through the aforesaid provision of Section 100 of the BNS, 2023, it is found that death should have been caused by doing an act intentionally or with knowledge that bodily injury will be caused which is likely to cause death. Knowledge and intentions are essential ingredients of offence under Section 100 of the BNS, 2023.

7. In this case, there was no positive act on the part of the petitioner which could have resulted in trapping of deceased in the house. No knowledge and intention can be attributed to petitioner for an act which NEUTRAL CITATION NO. 2025:MPHC-JBP:9999 3 WP-39377-2024 resulted in death of deceased person. If petitioner has escaped death by using alternate way and he could not inform firefighting units regarding the same then knowledge and intention cannot be attributed on his part that he wanted to cause death of the persons who were trapped in the first floor. Illustration as well as explanation of Section 100 of the BNS, 2023, only points towards the positive act of a person with knowledge and intention to cause death or bodily injury. Omission may also be covered under Section 100 of the BNS, 2023, if such omission was done with an intention or knowledge of causing death. In the charge-sheet there is no evidence to show that omission on the part of petitioner was intentional with knowledge to cause death of the persons who were trapped or there was any act on part of petitioner in entrapping the said persons in first floor.

8. In view of same, no offence under Section 100 of the Bhartiya Nyaya Sanhita, 2023 is made out against petitioner. Charge-sheet is quashed and consequential proceedings be dropped against petitioner.

9. With aforesaid, petition is disposed off.

(VISHAL DHAGAT) JUDGE \$A