

Poonam Prajapati vs The State Of Madhya Pradesh on 15 January, 2025

Author: Vishal Dhagat

Bench: Vishal Dhagat

NEUTRAL CITATION NO. 2025:MPHC-JBP:1559

1
IN THE HIGH COURT OF MADHYA PRADESH
AT JABALPUR
BEFORE
HON'BLE SHRI JUSTICE VISHAL DHAGAT
ON THE 15th OF JANUARY, 2025
MISC. CRIMINAL CASE No. 19797 of 2024
POONAM PRAJAPATI
Versus
THE STATE OF MADHYA PRADESH AND OTHERS
Appearance:
Shri Udaynand Pandey - Advocate for applicant.
Shri Pramod Pandey - Government Advocate for respondent-State

Shri Surdeep Khampariya - Advocate for objector.

ORDER

Applicant has filed this petition under Section 482 of Criminal Procedure Code (New Section 528 of Bhartiya Nagarik Suraksha Sanhita, 2023) for quashing of offence under Section 306 of Indian Penal Code.

2. Counsel appearing for applicant submitted that applicant was married to Ajay Prajapati, who committed suicide. As per prosecution story petitioner was having relationship with some another man i.e. Rajan Shrivastava. She wanted to end marriage with deceased, therefore, she was harassing deceased. It is submitted that if all the statement of witnesses available in case diary is taken at its face value and totality then also no ingredient of offence under Section 306 of Indian Penal Code is made out. There is nothing on record to show that applicant abetted the deceased to commit suicide. In these circumstances, petition be allowed and charges framed against the applicant be quashed.

3. Government Advocate appearing for State as well as advocate appearing for complainant objected to the petition and submitted that friend of deceased NEUTRAL CITATION NO. 2025:MPHC-JBP:1559 2 MCRC-19797-2024 namely Rahul Yadav and brother of deceased Ajay Shrivastava in their statement under Section 161 of Cr.P.C. has unequivocally stated to Police that Poonam Prajapati was harassing the deceased. Due to said harassment, deceased committed suicide,

therefore, offence under Section 306 of IPC will be made out.

4. Heard learned counsel for the parties.

5. On going through facts and circumstances of the case, it is found that no statement or any evidence is brought on record to show that applicant abetted the deceased to commit suicide. Only allegation is that applicant has harassed the deceased. Only harassment on part of applicant will not make out an offence under Section 306 of IPC unless and until ingredient mentioned in Section 107 of Indian Penal Code. (new Section 45 of Bhartiya Nyaya Sanhita) is found in the case diary.

6. On going through the said statement, it is found that abetment of offence under Section 306 of IPC is not made out as there is no ingredient of Section 107 of IPC.

7. Accordingly, Petition filed by applicant is allowed and offence registered against applicant under Section 306 of IPC in Crime No.821/23 at Police Station Maihar, District Satna is quashed.

(VISHAL DHAGAT) JUDGE as