

Supreme Court of India

Dr Banwarilal Sharma vs State Of U.P. And Ors. on 5 December, 1997

Equivalent citations: JT 1998 (4) SC 466, (1998) 3 SCC 604

Bench: A Anand, S Quadri

ORDER

1. In the FIR registered against the petitioner on 28-7-1986 for an offence under Section 309 IPC, what is alleged is that the writ petitioner had undertaken a "fast unto death". The challenge to the registration of the FIR in the writ petition was primarily on the ground that Section 309 IPC, i.e., attempt to commit suicide, is ultra vires the Constitution. This issue is no longer res integra. The Constitution Bench of this Court in Gian Kaur v. State of Punjab, (batch of cases) has categorically ruled that Section 309 IPC is not constitutionally invalid. The Bench has held that Article 21 of the Constitution does not include therein the "right to die". In this view of the matter, keeping in view the allegations made in the first information report, we are not inclined to interfere in this petition. The writ petition is, therefore, dismissed but there shall be no order as to costs.