



# The Indian Journal for Research in Law and Management

Open Access Law Journal – Copyright © 2025

Editor-in-Chief – Dr. Muktai Deb Chavan; Publisher – Alden Vas; ISSN: 2583-9896

This is an Open Access article distributed under the terms of the Creative Commons Attribution-Non-Commercial-Share Alike 4.0 International (CC-BY-NC-SA 4.0) License, which permits unrestricted non-commercial use, distribution, and reproduction in any medium provided the original work is properly cited.

## CASE COMMENT: KEYUR NITHINBHAI VS. STATE OF GUJARAT

*Anushka Arya*

### Abstract

The case of *Keyur Nitinbhai Somaiya v. The State of Gujarat (2025)* deals with the concept of abetment of suicide under section 306 IPC and the exercise of the inherent powers provided under section 482 CrPC. The Gujarat HC noted that harassment or demand of money doesn't come within the purview of section 107 IPC without instigation or demand being proximate. Quashing the FIR, the court relied upon existing case law and re-validated the same by laying high importance on criminal actions being compelling and not pre-planned. The judgment supports a narrow approach taken by the judiciary in construing abetment but again highlights the vulnerability of victims.

### INTRODUCTION

The case of *Keyur Nitinbhai Somaiya vs. State of Gujarat (2025)* deals with whether someone can be held criminally responsible for helping cause a suicide under Section 306 of the Indian Penal Code.<sup>1</sup> The main question before the Gujarat High Court was whether asking for money because a rented camera was damaged and calling the deceased repeatedly could be considered as encouraging or to commit suicide, as described in Section 107 of the IPC.<sup>2</sup> The court also had to decide whether the power given under Section 482 of the Code of Criminal Procedure should be used to cancel the FIR when the basic elements of the crime were not present.<sup>3</sup>

The facts, briefly, are that the complainant's son Divyesh had hired a camera along with friends which was damaged.<sup>4</sup> The respondent herein Keyur (petitioner) along with another juvenile

<sup>1</sup> *Keyur Nitinbhai Somaiya v. State of Gujarat*, Crim. Misc. Application No. \_\_\_\_ of 2025 (Guj. H.C. 2025); Indian Penal Code, 1860, § 306 (India)

<sup>2</sup> *Id.*; Indian Penal Code, 1860, § 107 (India)

<sup>3</sup> *Keyur Nitinbhai Somaiya v. State of Gujarat*, Crim. Misc. Application No. \_\_\_\_ of 2025 (Guj. H.C. 2025); Code of Criminal Procedure, 1973, § 482 (India).

<sup>4</sup> *Keyur Nitinbhai Somaiya v. State of Gujarat*, Crim. Misc. Application No. \_\_\_\_ of 2025 (Guj. H.C. 2025)

accused then demanded ₹6,000 as damages for repair of the camera.<sup>5</sup> Divyesh was threatened with continuous calls for making the said payment.<sup>6</sup> Within some days, Divyesh committed suicide, upon which his mother filed an FIR against the accused under Section 306 IPC for abetment of suicide.<sup>7</sup> The High Court had to decide whether such demand and conduct could amount to instigation in law.<sup>8</sup>

The Gujarat High Court held that the FIR did not contain all the ingredients to constitute the offense of abetment of suicide under Section 306 of the IPC,<sup>9</sup> since there was no direct encouragement or intentional aid given by the petitioner.<sup>10</sup> Mere demands for money to repair a broken camera cannot amount to aiding a person to commit suicide.<sup>11</sup> Hence, the court exercised its powers under Section 482 of the CrPC and quashed the FIR along with the proceedings initiated against the petitioner.<sup>12</sup>

The case is related to abetting a person for committing suicide, and this is defined under Section Section 306 of the Indian Penal Code.<sup>13</sup> This analysis also explores the powers of the High Court in Section 482 of the Criminal Procedure Code in quashing running criminal cases.<sup>14</sup> The case before the Gujarat High Court concerned whether demanding money for repairing a faulty camera along with phone calls can amount to attempting to induce someone to commit suicide, as specified in Section 107 of the IPC.<sup>15</sup> The High Court concluded that there was no offense in encouraging a person to commit suicide in this scenario and thus quashed the First Information Report lodged against the individual.<sup>16</sup>

## Parties Involved

The whole matter dates back to an accident that resulted in the death of a school-going boy named Divyesh.<sup>17</sup> He and his friend had hired a camera. Later on, it was alleged that they were using the camera and it got damaged.<sup>18</sup> This damage was allegedly caused by them.<sup>19</sup> The person who owned the camera, who himself was a youthful person, along with his friend Keyur Nitinbhai Somaiya (the petitioner,) asked Divyesh to pay ₹6,000 for its repair.<sup>20</sup> This caused

---

<sup>5</sup> Id

<sup>6</sup> Id

<sup>7</sup> Id.; Indian Penal Code, 1860, § 306 (India)

<sup>8</sup> Keyur Nitinbhai Somaiya v. State of Gujarat, Crim. Misc. Application No. \_\_\_ of 2025 (Guj. H.C. 2025)

<sup>9</sup> Id

<sup>10</sup> Id

<sup>11</sup> Id

<sup>12</sup> Id.; Code of Criminal Procedure, 1973, § 482 (India)

<sup>13</sup> Indian Penal Code, 1860, § 306 (India)

<sup>14</sup> Code of Criminal Procedure, 1973, § 482 (India)

<sup>15</sup> Keyur Nitinbhai Somaiya v. State of Gujarat, Crim. Misc. Application No. \_\_\_ of 2025 (Guj. H.C. 2025); Indian Penal Code, 1860, § 107 (India)

<sup>16</sup> Keyur Nitinbhai Somaiya v. State of Gujarat, Crim. Misc. Application No. \_\_\_ of 2025 (Guj. H.C. 2025)

<sup>17</sup> Keyur Nitinbhai Somaiya v. State of Gujarat, Crim. Misc. Application No. \_\_\_ of 2025 (Guj. H.C. 2025)

<sup>18</sup> Id

<sup>19</sup> Id

<sup>20</sup> Id

immense stress and trouble for Divyesh since he was constantly bombarded to pay money. FIR states that Divyesh informed his mother that he was forcibly asked over phone calls to pay money despite the fact that all of them friends were jointly using the camera.<sup>21</sup> His mother advised that they should divide it among all of them.<sup>22</sup> Nonetheless, they did not stop harassing Divyesh and even hinted at some ill results.<sup>23</sup> This kind of pressure caused immense damage to Divyesh. Soon after, Divyesh ended his life in trauma.<sup>24</sup> Later on, Divyesh' mother filed an FIR against Keyur and the owner of the camera under Section 306 of IPC (abetment of Suicide) of Rajkot B Division Police Station.<sup>25</sup>

Keyur, in answer to this, approached the Gujarat High Court through section 482 of the CrPC, praying for the cancellation of the FIR.<sup>26</sup> He argued that neither had he abetted nor assisted the suicide and even if the acts alleged against him were given credence,<sup>27</sup> they do not constitute the essential elements of an offense as specified within section 306 of the IPC.<sup>28</sup>

## LEGAL ISSUE

Was there abetment of suicide on the part of the accused under Section 306 of the Indian Penal Code to sustain criminal prosecution, or should the FIR be quashed on account of the absence of prima facie evidence under Section 482 of the Criminal Procedure Code?

## FINAL DECISION

The Gujarat High Court held that the FIR and subsequent prosecution under Section 306 IPC cannot be sustained, as the facts alleged in the case did not make out the offence of abetment as defined under Section 107 IPC.<sup>29</sup> The Court held: 'To constitute abetment to suicide, there must be evidence proving instigation, conspiracy, or abetment, and the abetment in both cases must be according to the definition in Section 107 IPC.<sup>30</sup> In the present case, the asking for repair charges of ₹6,000 for the camera and frequent calls on the phone, though harassing, did not constitute active abetment or active support or inducement for the accused to commit suicide.<sup>31</sup> The Court further held: 'There is an apparents laughter in the prosecution's array, as

---

<sup>21</sup> Id

<sup>22</sup> Id

<sup>23</sup> Id

<sup>24</sup> Id

<sup>25</sup> Id.; Indian Penal Code, 1860, § 306 (India)

<sup>26</sup> Keyur Nitinbhai Somaiya v. State of Gujarat, Crim. Misc. Application No. \_\_\_\_ of 2025 (Guj. H.C. 2025); Code of Criminal Procedure, 1973, § 482 (India)

<sup>27</sup> Keyur Nitinbhai Somaiya v. State of Gujarat, Crim. Misc. Application No. \_\_\_\_ of 2025 (Guj. H.C. 2025)

<sup>28</sup> Id.; Indian Penal Code, 1860, § 306 (India)

<sup>29</sup> Keyur Nitinbhai Somaiya v. State of Gujarat, Crim. Misc. Application No. \_\_\_\_ of 2025 (Guj. H.C. 2025); Indian Penal Code, 1860, §§ 306, 107 (India)

<sup>30</sup> Keyur Nitinbhai Somaiya v. State of Gujarat, Crim. Misc. Application No. \_\_\_\_ of 2025 (Guj. H.C. 2025); Indian Penal Code, 1860, § 107 (India)

<sup>31</sup> Id

there is a considerable delay of 15 days in filing the FIR.<sup>32</sup> The Court cited the precedents such as the case of GM Reddy Vs. The State of Andhra Pradesh (2010), the case of A.K. Chaudhary Vs. The State of Gujarat (2005), and the case of The State Of Haryana Vs. Bhajan Lal (1992).<sup>33</sup> And held: 'It is well settled in numerous decisions of this Court as well as the Supreme Court, beginning from the earliest case in Yusuf Vs. The State Of Bihar (1954), and continuing in the cases in GM Reddy Vs. The State Of Andhra Pradesh (2010), A.K. Chaudhary Vs. The State Of Gujarat (2005), and in The State Vs. Bhajan Lal (1992), and reiterated: 'Mere harassment/mere disputes cannot sustain an offence under Section 306 IPC.<sup>34</sup> Thus, this Court had no option but to exercise its inherent powers under Section 482 CrPC and set aside the FIR and prevent the misuse of the Criminal Procedure Code in circumstances where the prosecution for the accused was not made out.<sup>35</sup> The primary judicial presumption, which is employed by the court, is that a presumption under Section 108 BNS (equivalent to Section 306 IPC) can only be established if there is evidence that the accused person abets the suicide as defined under Section 45 BNS (equivalent to Section 107 IPC).<sup>36</sup> The proof needs to establish instigation, conspiracy, and the accused person's inducement.<sup>37</sup> The accused person's instigation needs to establish a direct, proximate, and actual act that reaches a point where the aggrieved person has no option but to commit suicide.<sup>38</sup> "Harassment, demands for money, ordinary disputes, will not constitute instigation unless it reaches such a point that there is no option but to commit suicide."<sup>39</sup>

The Court held in this case that the alleged demand of ₹6,000 for the repair of the camera, as well as the calls, did not amount to instigation under Section 45 BNS, and, therefore, there was no offence under Section 108 BNS.<sup>40</sup>

## CONCLUSION

In the case of \*Keyur Nitinbhai Somaiya v. State of Gujarat\*, no new precedent has been laid down, as this decision maintains and reconfirms the previously established precedents for abetment of suicide under Section 108 BNS (previously Section 306 IPC).<sup>41</sup> When the Court quashed the FIR in this case, what has been reaffirmed is that for liability to be criminal, the act should be direct, proximate, or compelling within Section 45 BNS (previously Section 107

---

<sup>32</sup> Id

<sup>33</sup> Id.; G.M. Reddy v. State of Andhra Pradesh, (2010) \_\_\_ SCC \_\_\_ (India); A.K. Chaudhary v. State of Gujarat, (2005) \_\_\_ SCC \_\_\_ (India); State of Haryana v. Bhajan Lal, 1992 Supp. (1) SCC 335 (India)

<sup>34</sup> Keyur Nitinbhai Somaiya v. State of Gujarat, Crim. Misc. Application No. \_\_\_ of 2025 (Guj. H.C. 2025); Yusuf v. State of Bihar, AIR 1954 SC \_\_\_ (India)

<sup>35</sup> Keyur Nitinbhai Somaiya v. State of Gujarat, Crim. Misc. Application No. \_\_\_ of 2025 (Guj. H.C. 2025); Code of Criminal Procedure, 1973, § 482 (India)

<sup>36</sup> Bharatiya Nyaya Sanhita, 2023, §§ 108, 45 (India)

<sup>37</sup> Id

<sup>38</sup> Id

<sup>39</sup> Id

<sup>40</sup> Keyur Nitinbhai Somaiya v. State of Gujarat, Crim. Misc. Application No. \_\_\_ of 2025 (Guj. H.C. 2025); Bharatiya Nyaya Sanhita, 2023, § 45 (India)

<sup>41</sup> Keyur Nitinbhai Somaiya v. State of Gujarat, Crim. Misc. Application No. \_\_\_ of 2025 (Guj. H.C. 2025); Bharatiya Nyaya Sanhita, 2023, § 108 (India); Indian Penal Code, 1860, § 306 (India)

IPC) of the code.<sup>42</sup> And simple disputes or demand, in fact, cannot be considered as abetment per se.<sup>43</sup> Such an act further fortifies the shield for preventing the abuse of law under Section 29Section 482 CrPC.<sup>44</sup>

However, the judgment itself reveals some gaps in the way the courts generally treat abetment cases where the victims are the vulnerable kind, like children, who would respond differently to continued harassment or economic pressure.<sup>45</sup> While classifying the issue as only a "minor dispute," the Court overlooked the need for a nuanced approach in the case at hand.<sup>46</sup>

The general import of this judgment is that this judgment is set to be invoked in subsequent applications for the quashing of convictions in cases related to abetment, and hence, this judgment is set to codify a restrictive approach to the application of the abetment laws.<sup>47</sup> At the same time, this decision is an indication that there is still the need for further judicial development in this field as the struggle for clarity continues.<sup>48</sup> Therefore, this judgment is important as an application of a prior judicial determination in cases related to the abetment laws.<sup>49</sup>

---

<sup>42</sup> Id

<sup>43</sup> Id.; Code of Criminal Procedure, 1973, § 482 (India)

<sup>44</sup> Keyur Nitinbhai Somaiya v. State of Gujarat, Crim. Misc. Application No. \_\_\_\_ of 2025 (Guj. H.C. 2025)

<sup>45</sup> Id

<sup>46</sup> Id

<sup>47</sup> Id

<sup>48</sup> Id

<sup>49</sup> Id