21st Edition
APRIL 2025

THE LAW LEDGER

The Fortnightly e-journal



SUPREME COURT OF INDIA

AMIT KUMAR & ORS ...PETITIONER

VERSUS

UNION OF INDIA & ORS. ...RESPONDENTS

In the event of a suicide by a student on campus, it is a legal and moral duty of the educational institution to file an F.I.R. promptly and the police must register it without refusal or delay

CRIMINAL APPEAL NO. CRIMINAL APPEAL NO. 1425 OF 2025
(@SLP (CRL) NO. 13324 OF 2024)

Amit Kumar & Ors. .....PETITIONER
Versus
Union of India & Ors.....RESPONDENTS

In the event of a suicide by a student on campus, it is a legal and moral duty of the educational institution to file an F.I.R. promptly and the police must register it without refusal or delay

CRIMINAL APPEAL NO. 1425 OF 2025

(@SLP (CRL) NO. 13324 OF 2024)

Date of Judgement: 24/03/2025

Click here to Read the Complete Judgement

Facts of the Case:

The case involves the tragic deaths of two students, Ayush Ashna and Anil Kumar, at the Indian Institute of Technology (IIT), Delhi, in July and September 2023, respectively. Both were found dead in their hostel rooms under suspicious circumstances, allegedly by hanging. The father of Ayush Ashna and the brother of Anil Kumar filed complaints alleging caste-based discrimination and harassment by faculty and hostel mates, suggesting that the deaths were not suicides but murders due to caste hatred. Despite these complaints, the Police conducted only an inquiry under Section 174 of the Code of Criminal Procedure (CrPC), concluding the deaths as suicides due to academic pressure, without registering a First Information Report (FIR) under Section 154 CrPC. The complainants approached the Delhi High Court seeking a writ of mandamus to direct the police to register FIRs and investigate, including allegations under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (SC/ST Act). The High Court dismissed the writ petition, leading to the appeal before the Supreme Court.

ISSUES ADVANCED:

Whether the police were legally obligated to register FIRs under Section 154 CrPC based on the complaints alleging cognizable offences, including caste-based atrocities, without conducting a preliminary inquiry?

Whether allegations of caste-based harassment and discrimination warranted mandatory FIR registration under the SC/ST Act, particularly Section 18A, which prohibits preliminary inquiries?

JUDGEMENT

The Hon'ble court heard the parties and observed that there is no doubt that the offence alleged by the appellants in their respective complaints disclosed the commission of cognizable offences and police should have registered an FIR promptly. The Court emphasized the mandatory nature of FIR registration for cognizable offences and questioned the police's premature closure of the cases under Section 174 CrPC. The relevant paras are reproduced as under:

(i) Scope of Section 174 of the CrPC.

Para 22: The proceedings under Section 174 of the CrPC should be kept more distinct from the proceedings taken on the complaint. Investigation under Section 174 is limited in scope and is confined to the ascertainment of the apparent cause of death and should not be equated with investigation into cognizable offences under Sections 160 and 161 of the CrPC respectively. The procedure under Section 174 of the CrPC is for the purpose of discovering the cause of death and the evidence taken is very short. Sub-section (4) of Section 174 empowers any District Magistrate, Sub-Divisional Magistrate or any other Executive Magistrate specially empowered in this behalf by the State Government or the District Magistrate to hold inquest. The inquest held by the magistrate under Section 174 is distinct from an inquiry under Section 202.

Para 23: The inquest proceedings are concerned with discovering whether in a given case the death was accidental, suicidal, homicidal, or caused by an animal and in what manner or by what weapon or instrument the injuries on the body appear to have been inflicted, therefore, the evidence taken is very short. (See: Chaman Lal v. Emperor, AIR 1940 Lah 210, at 214)

Para 24: The investigations conducted under Sections 154 and 174 of the CrPC respectively are distinct in nature and purpose. A study of Chapter XII of the CrPC reveals that these two provisions cater to different procedural objectives. The former begins with information about the commission of a cognizable offence referred to in Section 154(1), culminating in registration of F.I.R. and ending with filing of a chargesheet/challan before the competent court under Section 173 or a final report as the case may be. This procedure to be undertaken for initiating an investigation into a cognizable offence has been explained by this Court in Ashok Kumar Todi v. Kishwar Jahan, (2011) 3 SCC 758, in the following words: "48. Under the scheme of the Code, investigation commences with lodgement of information relating to the commission of an offence. If it is a cognizable offence, the officer in charge of the police station, to whom the information is supplied orally has a statutory duty to reduce it to writing and get the signature of the informant. He shall enter the substance of the information, whether given in writing or reduced to writing as aforesaid, in a book prescribed by the State in that behalf. The officer-in-charge has no escape from doing so if the offence mentioned therein is a cognizable offence and whether or not such offence was committed within the limits of that police station.[...]" (Emphasis supplied)

Para 25: Further, the objective of proceedings under Section 154(1) has been succinctly explained by this Court in Manoj Kumar Sharma v. State of Chhattisgarh, (2016) 9 SCC 1, as under: "19. [...] Whereas the starting point of the powers of the police was changed from the power of the officer in charge of a police station to investigate into a cognizable offence without the order of a Magistrate, to the reduction

of the first information regarding commission of a cognizable offence, whether received orally or in writing,into writing. As such, the objective of such placement of provisions was clear which was to ensure that the recording of the first information should be the starting point of any investigation by the police. The purpose of registering FIR is to set the machinery of criminal investigation into motion, which culminates with filing of the police report and only after registration of FIR, beginning of investigation in a case, collection of evidence during investigation and formation of the final opinion is the sequence which results in filing of a report under Section 173 of the Code. […]" (Emphasis supplied)

Para 26: In contrast, an investigation under Section 174 of the CrPC focuses on ascertaining the apparent cause of death in cases of unnatural or suspicious deaths. This position has been well explained by this Court in Pedda Narayana v. State of Andhra Pradesh, (1975) 4 SCC 153. The proceeding under Section 174 is limited in scope and fundamentally distinct from investigations aimed at prosecuting offences. Inquest proceedings are conducted by the police or a Magistrate and conclude with the filing of an inquest report before the Sub-Divisional Magistrate (SDM), District Judge, or Magistrate as the case may be. The relevant observations are reproduced herein below:"11. A perusal of this provision would clearly show that the object of the proceedings under Section 174 is merely to ascertain whether a person has died under suspicious circumstances or an unnatural death and if so what is the apparent cause of the death. The question regarding the details as to how the deceased was assaulted or who assaulted him or under what circumstances he was assaulted appears to us to be foreign to the ambit and scope of the proceedings under Section 174. In these circumstances, therefore, neither in practice nor in law was it necessary for the police to have mentioned these details in the inquest report. […]" (Emphasis supplied)

Para 27: The investigation after registration of F.I.R. under Section 154 of the CrPC is an investigation into an offence. In contrast, the investigation under Section 174 of the CrPC is an investigation or an "inquiry" into the apparent cause of death.

Para 28: The marginal note attached to Section 174 of the CrPC reads "Police to inquire and report on suicide, etc." This is self-explanatory as to the scope of the provision. Sections 174 to 176 of the CrPC only contemplate inquiry into the cause of death. Although the phrase 'investigation' is used in Section 174 of the CrPC, yet it is only an investigation in the nature of an inquiry. Sometimes, during the inquest, the police record the presence of witnesses who are also witnesses in the case. These statements are not meant as substitutes for statements under Section 161 of the CrPC. The inquest requirement under Section 174 does use the word investigation but if one considers the entire phraseology of Section 174 of the CrPC, one comes to the conclusion that the word investigation in Section 174 is not an investigation to find out who are the offenders. It is only to enable the police to come up with the "apparent cause of death". This phrase in Section 174 should give us the clue as to the correct understanding of the role of the police in inquest panchnama.

(ii) F.I.R. under Section 154 of the CrPC

Para 34: The foregoing discussion leads us to the inevitable conclusion that when an informant approaches the police with information regarding the commission of a cognizable offence, the police owes a duty to promptly register an F.I.R. and initiate investigation in accordance with Section 154 of the CrPC. The police authorities are not vested with any discretion to conduct a preliminary inquiry to assess the credibility of the information before registering the F.I.R. Any such practice would be contrary to the established principles of criminal law

Para 40: It is altogether a different thing to say that there is no element of truth in what has been alleged by the appellants in their

respective complaints. It could just be a figment of their imagination. It could also be just a reflection of their anger towards the management as two young boys lost their lives. **Even if the Police was of the view that there was no element of truth in what had been alleged by the appellants, it could have said so only after registering an F.I.R. and conducting an investigation pursuant thereto. We say so because this is the law. The Police could not have taken a shortcut just because something happened in the hostel of an eminent educational institution like IIT Delhi. It seems that the Police very quickly jumped to the conclusion that the two boys were in some sort of depression as they were not doing well in their studies. Such conclusion of the Police may as well be correct. However, again, at the cost of repetition, we say that such a conclusion could have been arrived at only after following the due** process of law, i.e., registration of an F.I.R. and investigation. Nobody would have stopped the Police from filing an appropriate closure report saying that no case is made out. However, to close the entire matter after undertaking an investigation under Section 174 of the CrPC is something which we do not approve of.

Para 42: Further, the offence alleged to have been committed under Section 3(1)(q) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 ("SC/ST (PoA) Act, 1989") is a cognizable offence under Section 18 of the said Act.

The relevant provision reads thus:
"18-A. No enquiry or approval required. – (1) For the purposes of this Act,- preliminary enquiry shall not be required for registration of a First Information Report against any person; or the investigating officer shall not require approval for the arrest, If necessary, of any person, against whom an accusation of having committed an offence under this Act has been made and no procedure other than that provided under this Act or the Code shall apply."

The aforementioned provision, in the most unambiguous language,

lays down that no preliminary enquiry is required for the registration of an F.I.R. This leaves no room for the authorities to delve in to an investigation so as to determine the reason leading to the commission of suicide by the students when categorical statements regarding caste-based harassment and discrimination were made in the complaint.....

While emphasizing the role of educational institutions, the Court stresses the critical duty of campus authorities to report suicides and suspicious deaths to law enforcement. It highlights that such action is not only a legal requirement but a moral obligation aimed at fostering accountability and justice within educational spaces.

Para 47: We are of the view that the responsibility of maintaining the safety and well-being of students rests heavily on the administration of every educational institution. Therefore, **in the event of any unfortunate incident, such as a suicide occurring on campus, it becomes their unequivocal duty to promptly lodge an F.I.R. with the appropriate authorities. Such action is not only a legal obligation but also a moral imperative to ensure transparency, accountability, and the pursuit of justice. Simultaneously, it is incumbent upon the police authorities to act with diligence and responsibility by registering the FIR without refusal or delay.**

Further, addressing the broader context, the Court recognizes a disturbing pattern of student suicides across higher education institutions in India. It calls attention to the inadequacy of current systems in tackling mental health issues and mandates systemic reform through the establishment of a National Task Force to create a safer, more supportive academic environment.

Para 69: The recurring instances of student suicides in Higher Educational Institutions, including private educational institutions, serve as a grim reminder of the inadequacy and ineffectiveness of

the existing legal and institutional frame work in addressing mental health concerns of students on campuses and to prevent students from taking the extreme step of committing suicides. These tragedies underscore the urgent need for a more robust, comprehensive, and responsive mechanism to address the various factors which compel certain students to resort to taking their own lives. In light of the concerns expressed above, a National Task Force to address the mental health concerns of students and prevent the commission of suicides in Higher Educational Institutions is being constituted...

Finally, the Supreme Court allowed the appeal, directing the registration of FIRs based on the complaints and constituting a National Task Force to address mental health concerns and prevent student suicides in higher educational institutions. It ordered the DCP concerned to register FIRs based on the written complaints submitted by the families of the deceased students. Further, the Court mandated that the investigation be conducted by a senior officer—not below the rank of Assistant Commissioner of Police—in strict accordance with law. The Task Force was directed to examine the causes of student suicides, assess existing regulations, and recommend reforms to create a supportive academic environment, with interim and final reports due within four and eight months, respectively.

सत्यमेव जयते