

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.1222 OF 2018

Rakesh Dhanesh Trivedi & Anr. ... Applicants
Versus
The State of Maharashtra ... Respondent

- Mr. Ramprakash Pandey a/w Mr. Anoop P. Pandey, for the Applicants.
- Ms. Sharmila S. Kaushik, APP, for the Respondent-State.
- PSI-H.P. Miraje, Bandra Police Station.

**CORAM : MANISH PITALE &
MANJUSHA DESHPANDE, JJ.**

DATE : 19th NOVEMBER 2025

PC. :

. Heard the learned counsel for the applicants and the learned APP for the respondent-State.

2. By this application, the applicants have prayed for the quashing of FIR No.515 of 2017 dated 22.12.2017, registered with the Khar Police Station and the Sessions Case No.365 of 2018, pending before the Sessions Court at Greater Mumbai.

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3. The applicants have invoked Section 482 of the CrPC while pressing for relief in terms of the prayers made in this application.

4. The applicants are facing prosecution for offences under Section 306 of the IPC, i.e., for abetment of suicide as also Sections 506(2) read with Section **34** of the IPC.

5. At the outset, the learned counsel for the applicants relies upon the judgment and order dated 18.06.2025 passed by a Division Bench of this Court [Coram : Revati Mohite Dere & Dr. Neela Gokhale, JJ.], in Criminal Writ Petition No.3388 of 2024 (*Nishit Patel V/s. State of Maharashtra & Anr.*), whereby the said petition was allowed. The petition was filed by a co-accused person Nishit Patel. It is contended that the allegations made against the co-accused person Nishit Patel, on the basis of the very same material, could be said to be of a higher degree as compared to the allegations made against the applicants herein. It is submitted that when the FIR has been quashed as against the said co-accused person, the applicants also deserve to be granted the same relief.

6. The contents of the FIR and the material that has come on record along with the charge-sheet indicate that the

allegations against the accused persons are that since they were pursuing the victim for return of loan amounts with heavy interest, he was driven to commit suicide. Since the aforesaid judgment and order passed by this Court in the case of ***Nishit Patel (Supra)*** records the case against the accused persons, it would be appropriate to reproduce the relevant portion thereof. Paragraph Nos.8 and 9 of the said judgment and order read as follows :

“8. Navroz Tejani committed suicide on 24th July 2017. It appears that the statement of the deceased’s son-Arshad was recorded on the very same day i.e. 24th July 2017, when the deceased committed suicide. At that time of recording of the statement, no suspicion was disclosed by the deceased’s son-Arshad on anyone to the police. It appears that the deceased’s family changed their residence on 1st September 2017, from Kishan Abode, 11th Floor, 14th Road, Khar (West), Mumbai to 705, B-Wing, Widz End, St. Peter’s Church, Hill Road, Bandra (West), Mumbai, post the deceased’s suicide. It also appears that on 10th December 2017, the deceased’s wife found a suicide note written by her husband, whilst unpacking at their new residence in

Bandra (West) i.e. after more than 4 months of the incident. On reading the suicide note, the respondent No.2-Nazeem Navroz Tejani (wife of the deceased) lodged an FIR on 22nd December 2017, as against the persons mentioned in the suicide note by the deceased. The said FIR was registered vide C.R. No.515 of 2017, with the Khar Police Station, Mumbai, as against the petitioner and others for the alleged offences punishable under Sections 306, 506(2), 34 of the IPC. As far as the petitioner is concerned, the prosecution places reliance on the suicide note written by the deceased and the statement of Ranchod Parmar. Post the registration of the FIR, investigation commenced and charge-sheet was filed against the persons named in the suicide note, including the petitioner. We have perused the documets/evidence relied upon by the prosecution i.e. the suicide note and the statement of Ranchod Parmar. From a perusal of the suicide note, it appears that the deceased started writing the suicide note on 20th July 2017 which continued till 23rd July 2017. In the said suicide note, the deceased had made allegations against 9 persons, including the petitioner. As far as the

*petitioner is concerned, the allegation against the
petitioner in the suicide note, reads thus:-*

“ 20/7/17

The main culprit for my suicide is-

*P. K. Gupta -- cheater No. 1,
-- Rakesh
Ravi Chakara,] v.v. expert
Sunil Thadani] in extortion)
Pawan Darolia
Propwiz India
Liliram*

*All this above people took away lots of money
from me and cheated me and also threatened
me.*

*If I donot pay them. Any how for the life of my
son and me I settled with them.*

*They have cheated many other people.
One*

*No one from my family is responsible for the
step
I am taking.*

*All my family member
Pl. forgive me.
One Mr. Jani at Solapur also did not co.operate.*

*Shanawaz also did not return the money which
I was suppose to give to so many people in
bandra.*

***Nishit Patel was also very harsh in collecting his
interest money, did not cooperate at all.***

*All my staff at tejani stores have worked very
sincerely for me but with G.S.T. now and*

building redevelopment it was difficult for them to do the business.

I was not able to take the pressure though I had some propriety decession was not taken by me.

V. V. Sorry to end my life this way.”

*sign
23/7/
17”*

“9. Apart from the aforesaid, the prosecution relies on the statement of Ranchod Parmar, which was recorded on 28th January 2018, The said statement is on page 348 of the petition. In the said statement, Ranchod Parmar, has disclosed, as under:-

[“...तसेच निशित पटेल याच्याकडून मालकाने व्याजाने बरीच रक्कम घेतली होती परंतु पटेल ज्यावेळी दुकानावर येत असत त्यावेळी वारंवार व्याजाचा दर कमी करण्याची विनंती माझ्या मालकाने केली तरीदेखील त्याने व्याजाचा दर कमी केला नाही...”

*("Similarly, my boss had borrowed a huge sum of money on interest from **Nishit Patel**, however, every time Patel visited the store, my boss repeatedly requested him to reduce the interest rate, still he did not reduce the interest rate...)"*

“...पी.के. गुप्ता, राकेश त्रिवेदी, सुनील थडानी, रवी चिकारा, शहानवाझ करमाली, निशित पटेल व मनोहर जानी यांनी पैशासाठी वारंवार माझ्या मालकास

मानसिक त्रास दिला...” (“...P. K. Gupta, Rakesh Trivedi, Sunil Thadani, Ravi Chakara, Shanawaz Karmali, **Nishit Patel** and Manohar Jani mentally tortured my boss, time and again for money....)”]

Apart from the said evidence relied upon by the prosecution, no other material was pointed out by the learned APP and the learned counsel for the respondent No.2.”

7. Thereafter, the Division Bench of this Court applied the law laid down by the Hon’ble Supreme Court in various judgments, including *State of Haryana and Others Vs. Bhajan Lal and Others*¹; *Mahendra Awase Vs. State of Madhya Pradesh*²; *Swamy Prahaladdas Vs. State of M.P.*³; *Prakash and Others Vs. State of Maharashtra and Another*⁴; *Nipun Aneja and Others Vs. State of Uttar Pradesh*⁵; *Naresh Kumar Vs. State of Haryana*⁶; *Ude Singh and Others Vs State of Haryana*⁷; and *Ramrao S/o Govindrao Dhakane Vs The State of Maharashtra and Another*⁸ (a judgment of the Aurangabad Bench of this Court decided on 29.09.2024 in Criminal Application No.3086 of 2023). These judgments

1 1992 Supp (1) Supreme Court Cases 335

2 AIR 2025 SC 568

3 1995 Supp (3) SCC 438 : 1995 SCC (Cri) 943)

4 2024 SCC OnLine SC 3835

5 2024 SCC OnLine SC 4091

6 (2024) 3 SCC 573 : 2024 INSC 149

7 (2019) 17 SCC 301 : 2019 INSC 810

8 Criminal Application No.3086/2023, decided on 20.09.2024

were relied upon in the context of the ingredients of the offence under Section 306 of the IPC and the definition of abetment in Section 107 thereof.

8. After exhaustively discussing the position of law concerning the said provisions and applying the same to the allegations leveled against the co-accused Nishit Patel, the Division Bench of this Court came to categorical conclusions as follows :

“21. Thus, it is clear from the judgements of the Apex Court and this Court that the ingredients of Section 107 are sine qua non for constituting an offence under Section 306 IPC. Courts have consistently taken the view that instigation or incitement on the part of the accused person is the gravamen of the offence of abetment to suicide.

22. In the present case, taking the FIR and the contents of the suicide note as well as the statement of Ranchod Parmar, as it stands, it is not possible from any angle to conclude that the petitioner instigated the deceased to commit suicide by demanding the payment of the

amount borrowed by him or that the petitioner used abusive language or intimidated him.

23. *We also do not find any close proximity between the date of suicide note, which was allegedly written from 20th July 2017 till 23rd July 2017. Infact, the statement of Ranchod Parmar, does not reveal when the petitioner had come to the shop and demanded money. Nor, does the suicide note reveal any proximity between the petitioner's act and the deceased committing suicide. The same is completely amiss. Thus, by no stretch of imagination, can the act of the petitioner be said to constitute an act of instigation towards the deceased compelling him to commit suicide.*

24. *Thus, keeping in mind the provisions of the IPC, the judgments of the Apex Court and this Court and taking the case as it stands, we are of the opinion that, no offence either under Sections 306 or 506(2) of the IPC, is disclosed qua the petitioner. Thus, the petition ought to succeed. Hence, we pass the following order:-*

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ORDER

i) The petition is allowed;

ii) The FIR bearing C.R. No.515 of 2017, registered with the Khar Police Station, Mumbai, is quashed and set aside and consequently the charge-sheet filed qua the petitioner, is also quashed and set-aside.”

9. There is no dispute about the fact that the very same material has been relied upon by the prosecution as against the applicants also. The suicide note, which the deceased left behind, is stated to have been recovered by his wife about 4 months after the date of the incident and after the family had shifted to another place. The suicide note refers to the names of the applicants, but simply states that the applicants and some others mentioned therein had cheated the victim in the context of loan amounts. In fact, the suicide note makes an allegation of a higher degree against co-accused Nishit Patel, to the effect that he was very harsh in collecting his interest money and that he did not co-operate at all with the victim.

10. Despite such allegation of a higher degree against the co-accused Nishit Patel, a Co-ordinate Bench of this Court, by applying the position of law concerning abetment of suicide, found it fit to quash the FIR and charge-sheet as against the

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said co-accused Nishit Patel.

11. We are of the view that the applicants are clearly entitled to the benefit on the ground of parity. In fact, there is substance in the contention raised on behalf of the applicants that their alleged role appears to be of a lesser degree compared to that of the co-accused Nishit Patel and therefore, there cannot be any impediment in the present application being allowed. We find that even if the entire material brought on record by the Investigating Authority is accepted as it is, it does not indicate a case against the applicants of having instigated the victim to commit suicide. Therefore, we are inclined to allow this application.

12. In view of the above, **the application is allowed** and consequently, the FIR No.515 of 2017 dated 22.12.2017, registered with the Khar Police Station and the Sessions Case No.365 of 2018, pending before the Sessions Court at Greater Mumbai, are quashed and the consequential charge-sheet is also quashed, *qua* the applicants.

(MANJUSHA DESHPANDE, J.)

(MANISH PITALE, J.)