



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO.204 OF 2024

Akash Uttamrao Kale
Age: 31 years, Occu.: Business,
R/o. Palshi (Kh.), Tq. Kannad,
District Aurangabad.

.. Applicant

Versus

The State of Maharashtra
Through Police Station Ardhapur,
District Nanded.

.. Respondent

...

WITH

CRIMINAL APPLICATION NO.193 OF 2024

Ganesh Gajanan Bangale
Age: 26 years, Occu.: Business,
R/o. Plot No.19, Gut No.61, Pokhari,
Taluka and District Aurangabad.

.. Applicant

Versus

The State of Maharashtra
Through Police Station Ardhapur,
District Nanded.

.. Respondent

...

WITH

CRIMINAL APPLICATION NO.206 OF 2024

Vishal s/o Nandkishor Thakur
Age: 39 years, Occu.: Business,
R/o. The Vinus K-9, Shahanoormiya
Darga, Near Jain International School,
Aurangabad.

.. Applicant

Versus

The State of Maharashtra
Through Police Station Ardhapur,
District Nanded.

.. Respondent

...
WITH
CRIMINAL APPLICATION NO.769 OF 2025

Baban @ Maroti s/o Nagoji Dake
Age: 49 years, Occu.: Business,
R/o. Phule Nagar, Ardhapur,
Tq. Ardhapur, District Nanded.

.. Applicant

Versus

1. The State of Maharashtra
Through Investigation Officer,
Ardhapur Police Station,
District Nanded.
2. Meera wd/o Gajanan Gore
Age: 36 years, Occu.: Household
R/o. Sheni, Tq. Ardhapur,
District Nanded.

.. Respondents

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WITH
CRIMINAL APPLICATION NO.1235 OF 2024

Uttamrao s/o Marotrao Shinde
Age: 53 years, Occu.: Business,
R/o. Bahirji Nagar, Basmat, Hingoli,
Tq. And Dist. Hingoli.

.. Applicant

Versus

1. The State of Maharashtra
2. Meera w/o Gajanan Gore
Age: 36 years, Occu.: Household,
R/o. Sheni, Tq. Ardhapur,
District Nanded.

.. Respondents

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*Mr. Prithviraj Bayas, Advocate h/f Mr. Anandsingh Bayas, Advocate for the applicants
in Criminal Application Nos.204/2024, 193/2024 and 206/2024.*

*Mr. Dhananjay M. Shinde, Advocate for the applicant in Criminal Application No.769 of
2025.*

Mr. Rameshwar M. Bhagwat, Advocate h/f Mr. G. P. Shinde, Advocate for the applicant in Criminal Application No.1235 of 2024.

Mr. A. D. Wange, APP for respondent No.1/State in all the applications.

Mr. Baliram B. Shinde, Advocate for respondent No.2 in Criminal Application Nos.204/2024, 193/2024 and 206/2024.

Mr. Ajinkya Joshi, Advocate for respondent No.2 in Criminal Application Nos.769 of 2025 and 1235 of 2024 (Appointed).

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**CORAM : SMT. VIBHA KANKANWADI &
SANJAY A. DESHMUKH, JJ.**

DATE : 06 AUGUST 2025

ORDER (Per Smt. Vibha Kankanwadi, J.) :-

. All these applications are arising out of the same FIR and therefore, taken up together.

2. Present applications have been filed under Section 482 of the Code of Criminal Procedure for quashing the FIR vide Crime No.424 of 2023 dated 11.11.2023 registered with Ardhapur Police Station, District Nanded for the offences punishable under Sections 306, 506 read with Section 34 of Indian Penal Code.

3. Heard learned Advocates appearing for the applicants in respective applications, learned APP for respondent No.1/State in all the applications and learned Advocates appearing for respondent No.2 in respective applications. In order to cut short, it can be said that all the

Advocates have made submissions in support of their respective contentions.

4. The FIR has been lodged by respondent No.2, who is the widow of deceased Gajanan More. In the FIR, she states that her husband Gajanan was employed in a private company dealing with fertilizers and pesticides in respect of Green Plant Agriculture Company. He used to bring the material from the company and used to sell it to the agricultural shop owners or agriculturists. He used to tell informant that he has supplied material to various shop owners and he has invested huge amount, however, those persons are not returning the said amount that is why he has taken hand loan from others. Now, those persons from whom he has taken hand loan were harassing him. The informant found husband Gajanan under tension around 10.00 a.m. on 29.10.2023. Upon inquiry by her, Gajanan told that he has taken hand loan of Rs.20,000/- from Baban Dake and paid in cash Rs.1,50,000/-, still he was harassing him for more amount of Rs.50,000/-. Aakash Kale and Rajeshwar Patil had worked with him and taken cash of Rs.40,000/- from him and invested the said amount in a company, but they were not returning him the said amount and giving threats now. He further told that the shop Shubham Krushi Sewa Kendra had supplied the material at their risk which was taken from Gajanan, but the said shop owner is not returning him the amount. Similar transaction was with Rokdeshwar

Krusha Sewa Kendra and Vishal Thakur. He told that loss of more than Rs.2,00,00,000/- (Rupees Two Crores) has been caused to him and, therefore, he is under tension. Informant told him that he should not take tension, but then Gajanan went out of house. Around 2.20 p.m. informant's nephew Satish told that he has received message from Gajanan on his mobile that Gajanan is committing suicide by consuming poisonous substance. Gajanan had sent a selfie of drinking poisonous substance. Thereafter, search was made and Gajanan was found in an agricultural land. He was taken to Government Hospital, Ardhapur and then to Civil Hospital, Vishnupuri, Nanded. Informant came to know that similar message was sent to other relatives also by Gajanan. He had also sent messages to the present applicants. He was declared dead around 1.30 a.m. on 11.11.2023 while undergoing treatment. Thus, it can be seen that even if for the sake of arguments it is accepted that Gajanan had entered into transactions with the applicants as alleged, yet there are no details regarding when the transaction was entered into. Further, it appears that as against Aakash Kale, Rajeshwar Patil, Shubham Krushi Sewa Kendra, Rokdeshwar Krushi Sewa Kendra and Vishal Thakur, the transaction appears to be illegal. If we consider the messages those were received by the applicants, it states about the transaction. The informant has not given more details about the transaction and even the investigation papers do not show any progress

from the point of view that when the transaction was entered into between the deceased and the respective applicants, each transaction is separate and there cannot be application of Section 34 of Indian Penal Code i.e. the common intention. What kind of harassment was given would be a different aspect, as no details about the same are given.

5. Before proceeding, we would like to consider the legal position. We would like to rely on the decision of this Court in ***Dilip S/o Ramrao Shirasao and others vs. State of Maharashtra and another***, [2016 ALL MR (Cri) 4328], and the decisions of the Hon'ble Apex Court in ***Sanju alias Sanjay Singh Sengar vs. State of Madhya Pradesh***, [2002 Cri.L.J. 2796], ***Madan Mohan Singh vs. State of Gujrat and another***, reported in (2010) 8 SCC 628; ***S. S. Chheena vs. Vijay Kumar Mahajan*** reported in 2010 All MR (Cri) 3298 (S.C.), ***Chitresh Kumar Chopra vs. State (Govt. of NCT of Delhi)*** (2009) 16 SCC 605, ***Swamy Prahaladdas vs. State of M.P. & Anr.***, [1995 Supp. (3) SCC 438], ***Mahendra Singh vs. State of M.P.***, [1995 Supp.(3) SCC 731], ***Ramesh Kumar vs. State of Chhattisgarh***, [(2001) 9 SCC 618], ***State of Kerala and others vs. S. Unnikrishnan Nair and others***, reported in AIR 2015 Supreme Court 3351, wherein the law has been made clear. In ***Dilip S/o Ramrao Shirasao*** (supra), this Court, relying upon the catena of the decisions of the Hon'ble Supreme Court, held that it is necessary for the prosecution to at least *prima facie* establish that the

accused had an intention to aid or instigate or abet the deceased to commit suicide and in the absence of availability of such material, the accused cannot be compelled to face trial for the offence punishable under Section 306 of the Indian Penal Code.

6. Thus, taking into consideration the facts as well as the law, we do not find that there was any such act done by the present applicants, which would amount to abetment as contemplated under Section 109 of Indian Penal Code. The basic ingredients are not attracted even after considering the FIR as it is. Under such circumstance, the present applicants cannot be forced to undergo the further investigation as well as the trial, if any. Case is made out for exercise of powers under Sections 482 of the Code of Criminal Procedure. Hence, the following order :-

ORDER

- I) All the Criminal Applications stand allowed.
- II) The FIR vide Crime No.424 of 2023 dated 11.11.2023 registered with Ardhapur Police Station, District Nanded for the offences punishable under Sections 306, 506 read with Section 34 of Indian Penal Code, stands quashed and set aside as against the present applicants in respective criminal applications.

III) Fees of learned Advocate, who is appointed to represent the cause of respondent No.2 in Criminal Application No.769 of 2025 and Criminal Application No.1235 of 2024, is quantified at Rs.5,000/- in each matter i.e. Rs.10,000/-, to be paid by the High Court Legal Services Sub Committee, Aurangabad.

[SANJAY A. DESHMUKH]
JUDGE

[SMT. VIBHA KANKANWADI]
JUDGE

scm