



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

11 CRIMINAL APPLICATION NO. 506 OF 2025

SHAIKH RAHIM ALIAS BABA ANSAR ATTAR
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

...
Advocate for Applicant : Mr. Solanke Sharad S.
APP for Respondents: Mr.V. K. Kotecha
...

**CORAM : SMT. VIBHA KANKANWADI AND
SANJAY A. DESHMUKH, JJ.
DATED : 11TH FEBRUARY 2025**

PER COURT :-

1. Present application has been filed for quashing the First Information Report (for short 'FIR') vide Crime No.263 of 2024, dated 27.11.2024 registered with Dindrud Police Station, Taluka Majalgaon, District Beed for the offences punishable under Sections 108, 115(2), 352, 351(2), 351(3) read with Section 3(5) of the Bhartiya Nyay Sanhita, 2023 and under Sections 3(2), 3(V) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989.

2. Heard learned Advocate for the applicant and learned A.P.P. for respondent No.1. There is no necessity to issue notice to respondent No.2 as we are of the opinion that the investigation should go on. First of all it will have to be impressed that the FIR is not an

encyclopedia. If there is possibility of supporting evidence then the Court should not interfere in the investigation.

3. After taking us through the contents of the FIR which is lodged by the mother of the deceased, learned Advocate for the applicant submits that it is alleged in the FIR that the deceased had disclosed to the informant that his wife is having illicit relations with the applicant but in that case the deceased had the alternative way to get divorce from his wife. Further perusal of the FIR would show that there was absolutely no instigation or abetment to deceased Yashwant by the applicant thereby forcing him to end his life. Therefore, it would be unjust to ask the applicant to face the trial. He relies on a three bench decision of the Hon'ble Supreme Court in *Ayyub & Ors. Vs. State of Uttar Pradesh & Anr. [Criminal Appeal No.461 of 2025 (Special Leave Petition (CRL.) No.7371 of 2024)]* decided on 07.02.2025, wherein in paragraphs 19 and 20 the Hon'ble Supreme Court has observed as under:-

*19. By a long line of judgments, this Court has reiterated that in order to make out an offence under Section 306 IPC, specific abetment as contemplated by Section 107 IPC on the part of the accused with an intention to bring about the suicide of the person concerned as a result of that abetment is required. It has been further held that the intention of the accused to aid or instigate or to abet the deceased to commit suicide is a must for attracting Section 306 IPC [See **Madan Mohan Singh vs. State of Gujarat and Another, (2010) 8 SCC 628**]. Further, the alleged harassment meted out should have left the victim with no other alternative but to put an end to her life and that in cases of abetment of*

*suicide there must be proof of direct or indirect acts of incitement to commit suicide [See **Amalendu Pal alias Jhantu vs. State of West Bengal**, (2010) 1 SCC 707 and **M. Mohan vs. State**, (2011) 3 SCC 626 and **Ramesh Kumar vs. State of Chhattisgarh**, (2001) 9 SCC 618].*

*20. These principles have been reiterated recently by this Court in **Mahendra Awase vs. The State of Madhya Pradesh**, 2025 INSC 76.*

4. The first and foremost fact to be noted is that those observations on which decision of the Hon'ble Supreme Court relied upon by learned Advocate for the applicant were in a Criminal Appeal which was arising out of the order dated 27.07.2023 passed by the High Court of Judicature at Allahabad in Criminal Application under Section 482 of the Code of Criminal Procedure, 1973. Based upon the facts those were before the Hon'ble Supreme Court i.e. the contents of the FIR therein, those observations were made. The facts which will have to be highlighted from the case before the Hon'ble Supreme Court are that around 8 a.m. on 02.11.2022 at the residence of the informant's uncle, the appellants went and told informant's cousin "because of you our boy has died, why you do not die". After hearing this, the cousin of the informant felt humiliated and then committed suicide. Here it is to be noted in the present case that the informant says that when Yashwant had come to meet her, at that time he disclosed about the behavior of the applicant i.e. alleged illicit relations with the wife of the Yashwant and threat that he would be

thrown out of the business which was in partnership with the applicant. Thereafter, there was pressure on Yashwant to take suretyship in the offence which was registered by the wife of Yashwant against the applicant.

5. It is stated that Yashwant had told about the said fact to his sister also. Even on the same day i.e. 18.11.2024, when he committed suicide he had given a phone call to his sister and thereby he disclosed that he is in depression because of the behavior of the applicant. Now, it is required to be investigated as to whether all these statements are supported by evidence which can be gathered by the Investigating Officer and therefore, at this stage, case is not made out for exercise of the powers under Section 482 of the Code of Criminal Procedure, 1973.

6. Application stands rejected.

[SANJAY A. DESHMUKH]
JUDGE

[SMT. VIBHA KANKANWADI]
JUDGE

Narwade