



IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 1166 OF 2024

- 1) Pramod Maroti Ansapure,
Age-46 years, Occu:Medical Practitioner,
R/o-Flat No.7, Aashirvad Apartment,
Vasant Nagar, Nanded,
Taluka and District-Nanded,
- 2) Vaishali Pramod Ansapure,
Age-41 years, Occu:Medical Practitioner,
R/o-Flat No.7, Aashirvad Apartment,
Vasant Nagar, Nanded,
Taluka and District-Nanded,

...APPLICANTS

VERSUS

- 1) The State of Maharashtra,
Through Officer Incharge,
Police Station, Bhagyanagar,
Nanded, District-Nanded,
- 2) Kirti Raghunath Tate,
Age-42 years, Occu:Teacher,
R/o-Sambhajnagar-2, Taroda Bk.,
Nanded, District-Nanded.

...RESPONDENTS

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Mr. Sudarshan J. Salunke Advocate for Applicants.
Ms. R.P. Gour, A.P.P. for Respondent No.1.
Mr. A.R. Borulkar Advocate for Respondent No.2.

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

DATE : 12th JUNE, 2025

ORDER [PER SMT. VIBHA KANKANWADI, J.] :

1. Present Application has been filed under Section 482 of the Code of Criminal Procedure, initially for quashing the First Information Report (for short "the FIR") vide Crime No.38 of 2024 registered with Bhagyanagar Police Station, Nanded, on 6th February 2024, for the offence punishable under Sections 306, 506 read with Section 34 of the Indian Penal Code, and later on, by way of amendment for quashing the proceedings in R.C.C. No. 111 of 2025 pending before the learned Judicial Magistrate First Class, Nanded.

2. Heard learned Advocate Mr. Salunke for the applicants, learned APP Ms. Gour for respondent No.1 and learned Advocate Mr. Borulkar for respondent No.2.

3. Learned Advocate for the applicants has taken us through the entire charge-sheet including the FIR and he submits that respondent No.2 – informant is the widow of the deceased Raghunath Bhujang Tate. Deceased had purchased immovable property bearing Plot No.6 in Gut No.169 at village Taroda Khurd, with the mediation of broker, from the father of applicant No.1. Mother of applicant No.1, Nagmani and brother Shankar

were the consenting party and then it is stated that it was the plot which was self acquired by the father of applicant No.1. After the sale-deed, present applicants, mother and brother of applicant No.1 started saying that they have share in the property and therefore, the property should be returned to them. Civil Suit bearing No.109 of 2022 was also filed. Then the informant states about an alleged incident dated 8th September 2023, wherein deceased Raghunath was called by the present applicants at their residence and therefore, Raghunath as well as the informant had gone to the residence of the applicants. At that time the applicants insisted that the deceased should return the plot or give an amount of Rs.40,00,000/-. Even thereafter also it is stated that the applicants as well as mother and brother of applicant No.1, with the help of *gundas*, were insisting that the deceased should either return the plot or pay amount of Rs.40,00,000/- otherwise he would be killed or he should die. Learned Advocate for the applicants submits that no offence was registered or complaint was filed in respect of the said incident by the deceased. The informant then states that in January 2024, when her husband was returning from college, he was obstructed by the applicants, mother and brother of applicant No.1, with the help of some *gundas* and again demanded the

same and uttered that otherwise he would be killed or he should die. This fact was then told by Raghunath to the informant. Even at this point of time there was no complaint that was lodged. Learned Advocate for the applicants has placed on record the copy of the plaint in R.C.S. No.109 of 2022 and he submits that applicant No.1 has filed it against his father, the alleged brokers and deceased Raghunath and the said suit was for executing the right of preemption and later on, byway of amendment, prayer was made for declaring the said sale-deed as not binding on applicant No.1. In fact the said suit was filed prior to the execution of sale-deed in favour of deceased Raghunath and then, as the sale-deed was executed during the pendency of the suit, the amendment was carried out and Raghunath came to be added as party, by way of amendment on 24th July 2023. The applicants were pursuing the legal recourse and therefore, it cannot be stated that there was any element of abetment in the action taken by the applicants. The informant in the FIR has stated that due to the harassment and threats given to Raghunath, he committed suicide on 5th February 2024, around 4.00 p.m. in the house. During the investigation, the screen shots of the mobile of the son of the deceased wherein he had received the message from his father, have been captured,

wherein on 15th December 2023, it was messaged by deceased that if anything happens to him, then applicant No.1 should be held responsible as he was under their pressure and he had collected the amount for construction by selling house and by raising loan. However, the suicide is dated 5th February 2024 and therefore, this message that was given on 15th December 2023, cannot be considered as suicide note. Though the relatives of the deceased in their statements have stated about the alleged harassment, they had no personal knowledge about the same. There is nothing on record which will attract the ingredients of offence under Section 306, 506 read with Section 34 of the Indian Penal Code and therefore, the entire proceedings deserve to be quashed and set aside.

4. Per contra, the learned APP as well as learned Advocate for respondent No.2 strongly opposed the application and they submit that the informant herself had witnessed the incident dated 8th September 2023 wherein the present applicants had pressurized and threatened Raghunath for return of the plot or payment of amount of Rs.40,00,000/-. Thereafter also time and again deceased had informed about the threats those were given by the applicants to the informant as well as his relatives i.e. the parents and one Prakash Ganpat Jondhale, who is the friend of

the deceased. Particular details might not have been given regarding the incidences of harassment but certainly the pressure could be seen or the tension could be seen by the relatives and it has then resulted in the mental harassment leading to the suicide by the deceased. It would be the matter of evidence that, as to how the pressure was put or how the threats were given and in fact the applicants, who are very highly qualified persons and medical practitioners, still taking help of the *gundas*, wanted the plot back. Even the deceased as well as the informant are qualified persons. The deceased had raised the amount by way of loan as well as by selling certain property and therefore, he could not have sustained the pressure which was in fact criminally created by the present applicants. Therefore, this is not a fit case where this Court should exercise the powers under Section 482 of the Code of Criminal Procedure.

5. Before turning to the facts in the present case, we would like to have a glance at 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 Gujarat 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 and others vs. State of Maharashtra and another, (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. Taking into consideration the legal position, we will now turn to the facts in the present case. The fact of purchase of plot by deceased Raghunath from the father of applicant No.1 on 18th April 2022 is an admitted position and also there is an admitted position that applicant No.1 filed R.C.S. No.109 of 2022. But

herein this case it is to be borne in mind that originally the said suit appears to have been filed on 14th February 2022 before the Court and it appears that it was originally against Marotrao i.e. father of applicant No.1, and brokers Shaikh Ziyaur Raheman and Nitesh Waghmare. On 17th March 2022, there appears to be some correction in the name of defendant No.2 and that amendment was allowed. Raghunath came to be added by way of amendment as per order below Exhibit-21 on 24th July 2023. Now, as per the FIR, the first incident is stated to have taken place on 8th September 2023. At the cost of repetition, it will have to be stated that from 18th April 2022 till 8th September 2023, though the sale-deed was executed in the name of Raghunath, it is not stated that there was any such act by the present applicants against Raghunath. Then on 8th September 2023, the informant had gone along with her husband, when it is stated that the applicants had called Raghunath to their residence. It is stated that both the applicants told Raghunath that he should return the plot or give amount of Rs.40,00,000/-. No complaint was lodged by Raghunath as it appears, in respect of the said incident. If we literally dissect the FIR, then it can be seen that on 8th September 2023 except the insistence of the return of plot or giving amount of Rs.40,00,000/- no other talk

giving threat to kill or asking Raghunath to go and die had taken place.

7. The informant then states that thereafter i.e. from 8th September 2023, from time to time the applicants were insisting that Raghunath should return the plot or give amount of Rs.40,00,000/- or then he would be killed or he should die and then only they will get their plot back. Now, it is stated that even along with the present applicant, the mother and brother of applicant No.1 were stated to be along with the applicants in saying so. It is stated in the FIR, as well as the sale-deed is on record which would show that the mother and brother of applicant No.1 were the party giving consent to the execution of the sale-deed. Under the said circumstance, why they would join the applicants, would be another question. Thereafter there is an incident that had taken place somewhere in January 2024. It is then stated that when Raghunath was returning from college, he was obstructed by the applicants as well as the mother and brother of applicant No.1 as well as *gundas*, and again the same threat was given and demand was made. This incident is also then not reported by Raghunath. Raghunath committed suicide on 5th February 2024. At this stage itself, we would like to consider the photocopy of the screen shot/message on the

mobile phone of the son of the deceased and it is stated to be by the deceased. Of course, how far the document as it is can be considered, would be a question. The charge-sheet does not show that the mobile phone has been seized. Even if we take that any such message would have been sent, it was on 15th December 2023 and the suicide has been committed on 5th February 2024. We would like to rely upon the decision of the Hon'ble Supreme Court in *Prakash and others vs. the State of Maharashtra and others, 2024 INSC 1020*, wherein it has been observed that:-

"To establish abetment of suicide under Section 306 of the IPC, there must be a direct or indirect act of instigation or intentional aid by the accused, with a clear *mens rea*, and a proximate link between the act of instigation and the suicide itself, not just harassment, and each case must be decided based on its own facts."

7. Thus, there is no proximity between the deceased sending message on the mobile phone of the son and committing suicide. Therefore, the said message cannot be considered or would not be admissible under Section 32(1) of the Indian Evidence Act.

8. Now, another interesting aspect is that the relatives of the deceased as well as his friend Prakash Jondhale appears to have

missed the chronology. Of course their statements have been recorded on 19th June 2024 and by that time the father of the present applicant No.1 had expired. But these witnesses have stated that after death of father of applicant No.1, the suit was filed by applicant No.1. The applicants have produced the copy of Roznama in R.C.S. No.109 of 2022, which shows that on 21st January 2023, defendant No.1 i.e. father of present applicant No.1 was present before the Court. Application to bring his legal representatives on record has been filed on 12th December 2023. Therefore, it appears that his death is in between 21st January 2023 to 12th December 2023. It appears that the death certificate which should have been filed before the concerned Court, has not been exhibited. Thus, when these close relatives of deceased were not even aware as to when the suit was filed by applicant No.1, then they cannot be said to be the proper witnesses who have had the knowledge.

9. Even without considering those statements or taking them as it is, yet in view of the said legal position and the facts, as there is no proximity between the incidences, we are of the opinion that the ingredients under Section 306 of the Indian Penal Code are not made out and therefore, it would be an abuse of process of law to ask the applicants to face the trial. This is a

fit case where we should exercise our inherent powers under Section 482 of the Code of Criminal Procedure. Hence, we pass following order:-

ORDER

(I) The Application stands allowed.

(II) The proceedings in the proceedings in R.C.C. No. 111 of 2025 pending before the learned Judicial Magistrate First Class, Nanded, arising out of the First Information Report vide Crime No.38 of 2024 registered with Bhagyanagar Police Station, Nanded, on 6th February 2024, for the offence punishable under Sections 306, 506 read with Section 34 of the Indian Penal Code, stands quashed and set aside as against applicant No. 1 - Pramod Maroti Ansapure and applicant No.2 - Vaishali Pramod Ansapure.

[SANJAY A. DESHMUKH]
JUDGE

[SMT. VIBHA KANKANWADI]
JUDGE

asb/JUNE25