



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CRIMINAL APPLICATION NO. 1751 OF 2024

1. Nagmani Maroti Ansapure
Age-64 years, Occupation-Homemaker,
R/o. Yelegaon, Tq. Ardhapur,
Dist.Nanded.
2. Shankar Maroti Ansapure,
Age-45 years, Occupation-Service,
R/o. Yelegaon, Tq. Ardhapur, Dist.Nanded.
At present RH-4, Chinchwad,
Vidyavihar Society, Sambhajinagar,
Pune-19.

...APPLICANTS

- VERSUS -

1. The State of Maharashtra,
Through Officer Incharge,
Police Station Bhagyanagar, Nanded,
Dist.Nanded.
2. Kirti Raghunath Tate,
Age-42 years, Occupation-Teacher,
R/o. Sambhajinagar-2, Taroda Bk.,
Nanded, Dist.Nanded.

...RESPONDENTS

...
Shri Sudarshan J. Salunke, Advocate h/f Ms.Lomte Ashwini
Annasaheb, Advocate for the Applicants.
Shri S.A. Gaikwad, APP for Respondent No.1/State.
Shri Borulkar Avinash R., Advocate for Respondent No.2.
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**CORAM : SMT. VIBHA KANKANWADI
&
SUSHIL M. GHODESWAR, JJ.**

DATE : 21 August 2025

Per Court :-

The present application has been filed initially for quashing the FIR vide Crime No.38/2024 registered with Bhagyanagar Police Station, Nanded, on 06.02.2024 and later on, by way of amendment for quashing the proceedings in RCC No.111/2025 pending before the learned JMFC, Nanded, for the offences punishable under Sections 306, 506 and 34 of the Indian Penal Code.

2. Heard the learned advocate for the applicants, the learned APP for respondent No.1/ State and the learned advocate for respondent No.2.

3. The learned advocate for the applicants submitted that this Court in Criminal Application No.1166/2024 decided on 12.06.2025 has quashed the proceedings against the co-accused Pramod Maruti Ansapure and Vaishali Pramod Ansapure. He places on record the copy of the said order. He submits that the role of the present applicants is similar. Even if the contents of the charge-sheet are taken as it is, yet there was no proximity in the alleged act and actual commission of suicide.

4. *Per contra*, the learned APP for respondent No.1/ State and the learned advocate for respondent No.2 strongly opposed the application and submitted that the entire evidence is on record. The informant is the widow of the deceased Raghunath Bhujang Tate. The deceased had purchased immovable property bearing plot No.6 in Gat No.169 at village Taroda Khurd. The present applicant Nos.1 and 2 were the consenting parties to the sale deed and it was then stated that the said plot was self-acquired plot of the father of co-accused Pramod Maruti Ansapure. After the sale deed, the present applicants along with co-accused started saying that they have share in the property and, therefore, the property should be returned to them. The civil suit was also filed. The deceased had informed the informant as to what happened when he was called by the co-accused Pramod and Vaishali and thereafter, Raghunath had committed suicide on 05.02.2024. He had given message to the mobile phone of his son regarding the same. Therefore, all these facts would be considered by the Trial Court. In spite of being consenting parties to the sale deed, the present applicants were demanding the amount of Rs.40 lac from the deceased.

5. Here, it is to be noted that this Court has considered all aspects and the evidence that has been collected in the matter while deciding Criminal Application No.1166/2024 (supra). Elaborate reasons have been given together with legal position that is governing the offence under Section 306 of the Indian Penal Code. Important point to be noted is that the co-accused Pramod appears to have filed Regular Civil Suit No.109/2022 asserting his rights. The informant has stated that she had gone along with her husband on 08.09.2023 as called by the co-accused Pramod and Vaishali. It has been then observed by us that on 08.09.2023 except the insistence for return of plot or giving the amount of Rs.40 lac, there was no other talk. Then, another incident is stated to have taken place somewhere in January, 2024, that too involving the co-accused Pramod. It is then stated that when Raghunath was returning from college, he was obstructed by the present applicants as well as the co-accused and some *gundas* and then again same demand was made and the alleged threat was given. It can be seen that the incident was not then reported by Raghunath to police. Raghunath committed suicide on 05.02.2024. By taking note of the decision in ***Prakash and others vs. The State of Maharashtra***

and others, (2024) INSC 1020, it has been observed that there is no proximity between the deceased sending message on mobile phone of his son and committing suicide or even it can be stated that there was no proximity between the alleged incident somewhere in January, 2024 and the suicide on 05.02.2024. It has then been stated that the message to the son cannot be considered or would not be permissible under Section 32(1) of the Indian Evidence Act taking into consideration the proximity.

6. We would also like to rely on the recent decision of the Honourable Supreme Court in ***Abhinav Mohan Delkar vs. The State of Maharashtra and others, Criminal Appeal Nos.2177-2185/2024*** decided on 18.08.2025 wherein, earlier decisions of the Honourable Supreme Court have been considered and the following observations have been made in paragraph Nos.21, 22, 23 and 24:-

- “21. *It was held that abetment involves the mental process of instigating a person or intentionally aiding a person in doing of a thing and without a positive act on the part of the accused, in aiding or instigating or abetting the deceased to commit suicide, a conviction cannot be sustained.*
22. *What comes out essentially from the various decisions herein before cited is that, even if there is allegation of constant harassment, continued over a long period; to bring in the ingredients of Section*

306 read with Section 107, still there has to be a proximate prior act to clearly find that the suicide was the direct consequence of such continuous harassment, the last proximate incident having finally driven the subject to the extreme act of taking one's life. Figuratively, 'the straw that broke the camel's back'; that final event, in a series, that occasioned a larger, sudden impact resulting in the unpredictable act of suicide. What drove the victim to that extreme act, often depends on individual predilections; but whether it is goaded, definitively and demonstrably, by a particular act of another, is the test to find mens rea. Merely because the victim was continuously harassed and at one point, he or she succumbed to the extreme act of taking his life cannot by itself result in finding a positive instigation constituting abetment. Mens rea cannot be gleaned merely by what goes on in the mind of the victim.

23. The victim may have felt that there was no alternative or option, but to take his life, because of what another person did or said; which cannot lead to a finding of mens rea and resultant abetment on that other person. What constitutes mens rea is the intention and purpose of the alleged perpetrator as discernible from the conscious acts or words and the attendant circumstances, which in all probability could lead to such an end. The real intention of the accused and whether he intended by his action to at least possibly drive the victim to suicide, is the sure test. Did the thought of goading the victim to suicide occur in the mind of the accused or whether it can be inferred from the facts and circumstances arising in the case, as the true test of mens rea would depend on the facts of each case. The social status, the community setting, the relationship between the parties and other myriad factors would distinguish one case from another. However harsh or severe the harassment, unless there is a conscious deliberate intention, mens rea, to drive another person to suicidal death, there cannot be a finding of abetment under Section 306.
24. We have already seen that even a rebuke to "go, kill yourself"; often a rustic expression against

distasteful conduct, cannot by itself be found to have the ingredients to charge an offence of abetment to suicide. There is no uniformity in how different individuals respond and react under pressure. Many stand up, some fight back, a few runaway and certain people crumble and at times take the extreme step of suicide. To put the blame on the pressure imposed and the person responsible for it, at all times, without something more to clearly discern an intention, would not be the proper application of the penal provisions under Section 306.”

7. Taking into consideration the legal position as well as the factual position and the observations made by this Court in Criminal Application No.1166/2024 (supra) to which one of us (Smt.Vibha Kankanwadi, J.) was a party, we are of the opinion that even *prima facie* also the ingredients of Section 306 of the Indian Penal Code will not get attracted to the material collected in the charge-sheet. The consent by the present applicants to the sale deed will not play much importance as in order to prove the abetment, a positive act on the part of the present applicants in aiding or instigating or abetting the deceased to commit suicide, has to be proved *prima facie*. Therefore, we take this to be a fit case where we should exercise our inherent powers under Section 482 of the Code of Criminal Procedure. We, therefore, pass the following order:-

ORDER

- (I) The Application stands allowed.
- (II) The proceedings in R.C.C. No.111/2025 pending before the learned Judicial Magistrate First Class, Nanded, arising out of the FIR vide Crime No.38/2024 registered with Bhagyanagar Police Station, Nanded, on 06.02.2024 for the offences punishable under Sections 306, 506 read with Section 34 of the Indian Penal Code, stand quashed and set aside as against the present applicants (Nagmani Maroti Ansapure and Shankar Maroti Ansapure).

kps

(SUSHIL M. GHODESWAR, J.)

(SMT.VIBHA KANKANWADI, J.)