



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

CRIMINAL APPLICATION NO.1966 OF 2024

- 1) Nilesh S/o Sahebrao Sonawane,
Age-42 years, Occu:Teacher,
R/o-49, Near MSEB Quarter, Laxmi Nagar,
Bajajnagar, MIDC, Waluj, Aurangabad,
- 2) Suresh S/o Sahebrao Sonawane,
Age-38 years, Occu:Teacher,
R/o- At Post-Sonkheda, Post-Golegaon
Taluka-Khultabad, District-Aurangabad,
- 3) Vijay Bandudas Rathod,
Age-43 years, Occu:Service,
R/o-Chandhai, Post-Kothari
Taluka-Mangloorpir, District-Washim,
- 4) Shubham Khandu Ghuge,
Age-28 years, Occu:Service,
R/o-Sasegaon Manur,
Taluka and District-Aurangabad,
- 5) Meera Balasaheb Satwadhar,
Age-44 years, Occu:Service,
R/o-Jijau Nagar, Manwat,
Taluka-Manwat, District-Parbhani

...APPLICANTS

VERSUS

- 1) The State of Maharashtra,
Through its P.I. Police Station,
MIDC, Waluj, Aurangabad,
- 2) Shriram Tukaram Patil,
Age-44 years, Occu:Agril.,
R/o-Savkheda, Taluka-Pachora,
District-Jalgaon.

...RESPONDENTS

...
Mr. A.D. Ostwal Advocate h/f. Mr. Kiran D. Jadhav Advocate
and Mr. Vikram L. Bhange Advocate for Applicants.
Ms. R.P. Gour, A.P.P. for Respondent No.1-State.
None present for Respondent No.2.
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**CORAM: SMT. VIBHA KANKANWADI AND
SANJAY A. DESHMUKH, JJ.**

DATE OF RESERVING ORDER : 5th AUGUST 2025

DATE OF PRONOUNCING ORDER : 4th SEPTEMBER 2025

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

1. Present Application has been filed, initially for quashing the First Information Report (for short "the FIR") vide Crime No. 138 of 2024, registered with Police Station, MIDC, Waluj, District-Aurangabad on 20th February 2024, for the offence punishable under Section 306 read with Section 34 of the Indian Penal Code, and later on by way of amendment for quashing the Charge-sheet No.114 of 2024 i.e. the proceedings in Regular Criminal Case No.1634 of 2024, pending before the learned Judicial Magistrate First Class, Aurangabad.

2. Heard learned Advocate Mr. Ostwal holding for learned Advocate Mr. Jadhav for applicants, learned APP Ms. Gour for

respondent No.1.

3. Learned Advocate for the applicants has taken us through the entire charge-sheet including the FIR. Respondent No.2-informant is the father of deceased Leena. The applicants are not disputing the fact that Leena committed suicide on 20th February 2024. She was taking education in Garudzep Academy run by applicant No.1. The said Academy is a private limited company, imparting training and education to various students aspiring to have career in the fields like Police, Revenue, Navy, Army etc. Applicant No.2 is the founder member of the academy. Applicant No.1 is a director of the academy. Applicant No.3 is the branch head and teacher in the academy. Applicant No.4 is an accountant and applicant No.5 is the resident warden of ladies hostel in the academy. The informant has contended that he had paid the amount of Rs.1,20,000/- in three installments towards the education of Leena when she took admission in June 2022. He was paying mess charges regularly, however, sometimes he used to pay it belatedly. Leena used to inform her father and the family members that in case of delay in paying the amount of the mess charges, the academy was not giving breakfast properly. Applicant No.1 used to give mental harassment and

insulting treatment in front of other students. The other accused persons were also insulting her and refusing to give her food to eat. The training was difficult and applicant No.1 was not adjusting anybody. The informant used to say to Leena that since applicant No.1 has taken guarantee of service to her after the training, she should bear the difficulties for some days. When Leena had gone to her house at the time of Diwali festival, at that time she disclosed to the informant that applicant No.1 was insulting her for non payment of amount and due to her dark complexion, in front of other students. She was in fact not ready to resume her training but somehow the informant persuaded her and sent her back to the academy. In January 2024, Leena had gone to father's house for taking driving license for the four wheeler. Again she told about the harassment given to her by applicant No.1. She also told that when she told to applicant No.1 that he should understand the financial condition of her family; applicant No.1 insulted her by saying that she should not teach him, if she has so much feeling about her parents, then she should die, she has no eligibility, he has taken guarantee to give service to her but in case if he will not be able to, then she should do whatever she wants. Again by persuading her, informant had sent her back to the academy. In the

meantime niece of the informant by name Manasi also returned from the academy within two months. In spite of the suicide committed by Leena on 20th February 2024 in the morning, till 6.00 p.m. the accused persons had not informed the informant about the same but he came to know it from his niece. In his supplementary statement, the informant states that on 20th February 2024, he had gone to the academy and met applicant No.1. At that time applicant No.1 offered him an amount of Rs.2,50,000/- and asked him not to pursue the matter. However, the informant has not accepted the said offer and went to Ghati Hospital.

4. Learned Advocate appearing for the applicants by pointing out the above said facts stated in the FIR, submits that there is absolutely no role that has been attributed to applicant Nos.2 to 5. All the allegations appear to be against applicant No.1. No overt act or active participation has been alleged against the applicants. If we consider the statements of the witnesses, Prabha Gaikwad, Ridabi Pathan, Deepali Honmane, under Section 164 of the Code of Criminal Procedure, then it can be seen that they were also taking education by staying in the hostel along with Leena. These girls knew that there was love affair between deceased Leena and a boy but later on said boy refused to

perform the marriage with her. Leena was afraid of her family members including the cousin sister Manasi and therefore, it appears that she has committed suicide. Therefore, when all these facts are coming on record, then though it is tried to be pointed out by the prosecution that there are statements of other witnesses and especially Manasi, under Section 161 as well as 164 of the Code of Criminal Procedure, the fact that cannot be denied is, that the reason behind the suicide of Leena is different and it was never abetted by the present applicants. Therefore, it would be an abuse of process of law if the applicants are asked to face the trial.

5. Per contra, the learned APP for the State has strongly opposed the Application and submitted that the entire charge-sheet is before the trial Court and therefore, let there be a trial, as there are statements of other witnesses also which would support the prosecution. Statements of some witnesses who had taken training in the past from the academy and some of whom had left the academy, would show that they were given insulting treatment forcing them to quit the training. If a person is insulted in front of others on the ground of delayed payment of the mess charges, then it certainly causes the said person mental harassment and in the said process, when Leena has

committed suicide, it can be said that the accused persons created such situation or environment, forcing Leena to commit suicide. Therefore, this is not a fit case where this Court should exercise its powers under Section 482 of the Code of Criminal Procedure.

6. Before turning to the facts of the case, we would like to consider the legal position with recent decision in ***Abhinav Mohan Delkar vs. the State of Maharashtra and others, Criminal Appeal Nos. 2177-2185 of 2024, decided on 18th August 2025***, by the Hon'ble Supreme Court. In this case the Hon'ble Supreme Court has considered many leading cases, for example, ***Ude Singh and Others. v. State of Haryana, (2019) 17 SCC 301***, wherein it has been observed that:-

"20. Instigation is to goad, urge forward, provoke, incite or encourage to do "an act". To satisfy the requirement of instigation though it is not necessary that actual words must be used to that effect or what constitutes instigation must necessarily and specifically be suggestive of the consequence. Yet a reasonable certainty to incite the consequence must be capable of being spelt out. The present one is not a case where the accused had by his acts or omission or by a continued course of conduct created such circumstances that the deceased was left with no other option except to commit suicide in which case an instigation may have been inferred. A word uttered in the fit of anger or

emotion without intending the consequences to actually follow cannot be said to be instigation.”

7. Then, further decision considered in ***Abhinav Mohan Delkar vs. the State of Maharashtra and others*** (supra), is ***Pawan Kumar v. State of Himachal Pradesh, (2017)7 SCC 78***, wherein it has been observed that:-

“43. Keeping in view the aforesaid legal position, we are required to address whether there has been abetment in committing suicide. Be it clearly stated that mere allegation of harassment without any positive action in proximity to the time of occurrence on the part of the accused that led a person to commit suicide, a conviction in terms of Section 306 IPC is not sustainable. A casual remark that is likely to cause harassment in ordinary course of things will not come within the purview of instigation. A mere reprimand or a word in a fit of anger will not earn the status of abetment. There has to be positive action that creates a situation for the victim to put an end to life.

44. In the instant case, the accused had by his acts and by his continuous course of conduct created such a situation as a consequence of which the deceased was left with no other option except to commit suicide. The active acts of the accused have led the deceased to put an end to her life. That apart, we do not find any material on record which compels the Court to conclude that the victim committing suicide was hypersensitive to ordinary petulance, discord and difference in domestic life quite common to the society to which the victim belonged. On the other hand, the accused has played active role in tarnishing the self-esteem and self-respect of the victim which drove the victim girl to

commit suicide. The cruelty meted out to her has, in fact, induced her to extinguish her life spark.”

8. The Hon’ble Supreme Court, in *Abhinav Mohan Delkar vs. the State of Maharashtra and others*, (supra), has further considered the decision in *Amalendu Pal vs. State of West Bengal*, (2010) 1 SCC 707, wherein again the point highlighting the positive action proximate to the time of occurrence was considered. In *S.S. Chheena vs. Vijay Kumar Mahajan*, (2010) 12 SCC 190, it was held that, in order to convict a person under Section 306 of the Indian Penal Code, there has to be a clear *mens rea* to commit the offence. It also requires an active act or direct act which led the deceased to commit suicide seeing no option and that act must have been intended to push the deceased into such a position that he committed suicide. Further, decisions in *Chitresh Kumar Chopra vs. State (NCT Of Delhi)*, (2009) 16 SCC 605, *Madan Mohan Singh vs. State of Gujarat*, (2010) 8 SCC 628, *Prakash and others vs. State of Maharashtra and another*, 2024 SCC OnLine 3835, have been referred.

9. In *Abhinav Mohan Delkar vs. the State of Maharashtra and others*, (supra), following are the observations:-

"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 307, 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."

10. Therefore, in the light of this legal position, we are required to consider, as to whether the material on record attracts the offence under Section 306 of the Indian Penal Code.

11. The contents of the FIR are already reproduced and therefore, we are avoiding the repetition. The fact that is reflected in the FIR is mainly against applicant No.1. As regards the other applicants are concerned, it is stated that they were also insulting deceased and were not giving her food to eat. The fact is that when according to the informant, the harassment was going on since after June 2022, then why he had not met

earlier to applicant Nos.1 and 2 who were responsible for running the academy. This could have been the normal conduct on the part of the informant that he would meet the persons who were troubling or harassing his daughter. It appears that Leena's cousin sister Manasi also got admitted in the said academy but she left the same and returned. Now, in her statement under Section 161 of the Code of Criminal Procedure, as well as under Section 164 of the Code of Criminal Procedure, Manasi says about the insulting treatment that was alleged to have been given to Leena. In her statement dated 26th February 2024, Manasi states that she told Leena that they should go home. According to Manasi, she was also mentally tortured and therefore, she left the academy on 11th December 2023. Leena told Manasi that her father had deposited the amount with hard efforts, which would go in vain and therefore, she had not accompanied Manasi. In spite of disclosure about the treatment to the informant, it appears that the informant had not met applicant Nos.1 and 2 to sort out the problem. Statement of mother of deceased Leena is on the same line. Now, there are statements of witnesses who had taken admission in the academy, who states that the facilities at the academy were not good and they used to be assaulted by the academy persons if

they were not doing the assigned work. However, at the most it can be said that those students were insisted upon by the applicants to pay the amount towards the necessary charges. This cannot be found to be such a ground which will drive a person to commit suicide. Now, there are certain students to whom Leena had told about the insulting treatment given to her by applicant No.1. The statements of these witnesses are not sufficient to show the proximity. Further, we are required to consider the treatment that was allegedly given to Leena and not to those witnesses. Some witnesses say that they had seen the applicants insulting Leena. Now, they are not explaining as to whether Leena was the only student who used to be in arrears of the amount. If there were other students also who had not given the charges or requisite fees, then if it is told to them in front of the other students to pay the charges, then it should not be taken as offending.

12. Even if for the sake of arguments it is accepted that such kind of treatment was given by the accused persons to deceased Leena, then it can be stated that it started after June 2022 and suicide has been committed on 20th February 2024. Therefore, there is no proximity in the cause of action to state that there is abetment to commit suicide. Now, it is a disputed fact as to

whether applicants had not informed the fact of death of Leena to respondent No.2 and the family members. But certainly, there is statement and a station diary entry stating that the academy had informed about commission of suicide by Leena and then the police had gone to the place, brought down the dead body and then it was shifted to Ghati Hospital, Aurangabad.

13. We do not want to go into the aspect of alleged love angle to the suicide tried to be created by the witnesses who were stated to be the friends of deceased Leena, as none of them have given the name of the boy. Now, it is also stated by those witnesses that Leena was afraid of her father as well Manasi and the boy had also refused to perform the marriage. In ***State of West Bengal vs. Orilal Jaiswal, (1994) 1 SCC 73***, it has been observed thus:-

"If it transpires to the court that a victim committing suicide was hypersensitive to ordinary petulance, discord and differences in domestic life quite common to the society to which the victim belonged and such petulance, discord and differences were not expected to induce a similarly circumstanced individual in a given society to commit suicide, the conscience of the court should not be satisfied for basing a finding that the accused charged of abetting the offence of suicide should be found guilty."

14. Insulting a girl on account of alleged dark skin is absolutely not proper and it may be, to some extent, mental harassment, but certainly it cannot force one person to commit suicide unless that person is very much sensitive. In his statement under Section 164 of the Code of Criminal Procedure, the informant has stated that mess fee for the period from November 2023 to February 2024, was outstanding and on 5th February 2024, he has paid the remaining amount of fees in the account of Leena and Leena had then paid it to academy on PhonePe. That means, as on 5th February 2024, there was no amount outstanding under the head of "mess fees". At the cost of repetition, we would like to say that the suicide was committed by Leena on 20th February 2024, therefore, there ought to have been evidence as to what happened after 5th February 2024 till 20th February 2024. Even if for the sake of arguments it is accepted that applicants had not informed the family members of Leena about her suicide, then it can be stated that not informing the death by the applicants to the father may be morally not proper but it will not attract any offence/criminal act. Therefore, after taking note of all the statements and the material in the charge-sheet, we are of the opinion that the material is not disclosing the ingredients of the offence under Section 306 of the Indian Penal Code. It would be,

therefore, an abuse of process of law if the applicants are asked to face the trial. Hence, we proceed to pass following order:-

ORDER

(I) The Application stands allowed.

(II) The Charge-sheet No.114 of 2024 i.e. the proceedings in Regular Criminal Case No.1634 of 2024, pending before the learned Judicial Magistrate First Class, Aurangabad, arising out of the First Information Report vide Crime No. 138 of 2024, registered with Police Station, MIDC, Waluj, District-Aurangabad on 20th February 2024, for the offence punishable under Section 306 read with Section 34 of the Indian Penal Code, stands quashed and set aside as against applicant Nos. 1 to 5 i.e. - 1) Nilesh S/o Sahebrao Sonawane, 2) Suresh S/o Sahebrao Sonawane, 3) Vijay Bandudas Rathod, 4) Shubham Khandu Ghuge and 5) Meera Balasaheb Satwadhar.

[SANJAY A. DESHMUKH]
JUDGE

[SMT. VIBHA KANKANWADI]
JUDGE