



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

4 CRIMINAL APPLICATION NO.2052 OF 2025

Rahulkumar Pappu Yadav,
Age 27 yrs., Occ. Ticket Booking Clerk
at Parali (V) Railway Station, Parali,
R/o Baradari College Road, Bihar Sharif,
Dist. Nalanda, Bihar.
At present r/o Parali (V), Tq. Parali,
Dist. Beed.

... Applicant

... Versus ...

- 1 The State of Maharashtra
Through In-charge Police Station
Officer, Police Station, Kotwali,
Parbhani, Tq. & Dist. Parbhani.
- 2 Sy Nilofar w/o Sy Mujib Ahemad,
Age 29 yrs., Occ. Household,
R/o Masoom Colony, Dargah Road,
Parbhani, Tq. & Dist. Parbhani.

... Respondents

...

Mr. D.B. Pawar, Advocate for applicant

Mrs. Priya R. Bharaswadkar, APP for respondent No.1

...

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

DATE : 18th JULY, 2025

ORDER :

. Present application has been filed for quashment of First Information Report vide Crime No.251/2024 dated 30.07.2024 registered with Kotwali Police Station, Parbhani, Dist. Parbhani, for the offence punishable under Section 306 of the Indian Penal Code, 1860.

2 Heard learned Advocate Mr. D.B. Pawar for applicant and learned APP Mrs. Priya R. Bharaswadkar for respondent No.1. No necessity to issue notice to respondent No.2.

3 Learned Advocate for applicant has taken us through contents of First Information Report and submits that respondent No.2 is widow of deceased. Deceased used to stay at Parbhani, whereas present applicant stays at Parali, which is more than 68 k.ms. When the alleged incident of suicide of husband of respondent No.2 had taken place, applicant was on duty. Further, there was no transaction of whatsoever nature between deceased and applicant. Suicide had taken place in intervening night of 20.06.2024 and 21.06.2024, whereas First Information Report has been lodged on 30.07.2024 i.e. after about more than one month. Then it is stated in First Information Report that on 30.06.2024 itself the informant's father and brother had asked her as to whether the deceased was knowing a person by

name Rahul, who is doing the work of ticket booking in Parali Railway Station. When she said in the affirmative, it is then stated that they had received a video of the deceased, which appears to have been shot by deceased just prior to the commission of suicide, wherein it was stated that said Rahul, who is TC booking Clerk at Parali, is responsible for his suicide as he was harassing him. The delay has not been explained. While releasing the applicant on bail the Hon'ble Single Bench of this Court has observed that there is no evidence against applicant. Learned Advocate for applicant relies on the decision in **R. Shashirekha vs. The State of Karnataka and others** [2025 INSC 402], wherein taking into consideration the earlier decisions of the Hon'ble Supreme Court the ingredients of offence punishable under Section 306 of the Indian Penal Code were reiterated. He further relies on the decision of this Court at Principal Seat in **Nasirhusen Mohiddin Jamadar vs. The State of Maharashtra and another** [2024 SCC OnLine Bom 3741], wherein also the catena of Judgments were considered, especially **Madan Mohan Singh vs. State of Gujrat and another** [(2010) 8 SCC 628] and it was held that acts of instigation are the *Sine qua non* for the offence under Section 107 of the Indian Penal Code, that too, in an active role. Here, there is absolutely no averments in the First Information Report which are attracting the acts of instigation/abetment. It would be then unjust to ask the applicant to face the investigation as well as the trial.

4 Here, it is to be noted that the investigation is still going on. As on today there is existence of a video of 28 seconds, wherein it is stated that the deceased has made statements. *Prima facie* it can be considered to be a piece of evidence under Section 32(1) of the Indian Evidence Act. Further, the First Information Report is not an encyclopedia and, therefore, investigation into the matter as to why the deceased was saying that the said Rahul who is a TC booking Clerk in Parali Railway Station was harassing him and he would be responsible for his death, has to be investigated. The delay can be explained and, therefore, that cannot be the ground alone for the quashment of First Information Report. There is a death of a person and, therefore, certainly investigation requires that it should be held. In view of the same we find that application is premature and not worth exercising our powers under Section 482 of the Code of Criminal Procedure. Application stands rejected at the threshold.

(SANJAY A. DESHMUKH, J.)

(SMT. VIBHA KANKANWADI, J.)