



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO.2979 OF 2023

1. Kalyani Ashok Kadve
Age: 30 years, Occu.: Business,
2. Rahul Ashok Kadave
Age: 32 years, Occu.: Business,
Both R/o. House No.836, G.No.80/12
Tara Park Mukindpur, Newasa,
Tq. Newasa, District Ahmednagar.

.. Applicants

Versus

1. The State of Maharashtra
Through Police Station Officer,
Chikalthana Police Station, Aurangabad.
2. Tukaram Jaywant Kamble
Age: 58 years, Occu.: Agri.,
R/o. Takalibhan, Tq. Shrirampur,
District Ahmednagar.

.. Respondents

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Mr. R. S. Kasar, Advocate for the applicants.
Mr. A. D. Wange, APP for respondent No.1/State.
Mr. D. S. Ingole, Advocate for respondent No.2.

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

DATE : 16 JUNE 2025

ORDER :

. Present application has been filed for quashing the proceedings in Sessions Case No.510 of 2022, pending before the learned District Judge-5/Additional Sessions Judge, Aurangabad arising out of the FIR vide Crime No.239 of 2020 dated 26.05.2020 registered with

Chikalthana Police Station, District Aurangabad for the offences punishable under Sections 306, 498-A, 323, 504, 506 read with Section 34 of Indian Penal Code.

2. Heard learned Advocate Mr. R. S. Kasar for the applicants and learned APP Mr. A. D. Wange for respondent No.1/State. In order to cut short, it can be said that all of them have made submissions in support of their respective contentions.

3. Perusal of the FIR and the charge-sheet would show that there is no dispute as regards deceased Amruta getting married to accused Pravin in 2009. They are blessed with a daughter, who was 9 years old when the incident took place. It is also not in dispute or there is *prima facie* evidence on record to show that Amruta committed suicide by hanging and this can be seen from the inquest panchanama, spot panchanama and the postmortem report as well as from the contents of the FIR and the statements of witnesses under Section 161 of the Code of Criminal Procedure. The said suicide has been committed around 1.00 p.m. on 24.05.2020.

4. From the FIR, which is lodged by present respondent No.2, who is the father of the deceased, it could be seen that the alleged harassment started from 2013, as he has not stated that till the birth of the daughter and immediately thereafter, there was any harassment. Further, it

appears that accused Pravin, deceased Amruta and their daughter Arohi were residing at Deolai, Aurangabad, whereas applicant No.1, who is the sister-in-law and applicant No.2 who is the brother-in-law are residing at Mukindpur, Newasa, District Ahmednagar. It is stated in the FIR that the mother-in-law and sister-in-law and brother-in-law used to visit the house of the deceased occasionally. Though it is then stated that whenever they used to visit they used to give taunts to deceased that she is unable to cook food properly and she used to instigate Pravin, who then used to abuse and assault Amruta. He also states that since last six months prior to the suicide, all the accused persons were demanding amount of Rs.10,00,000/- for purchase of plot. As the demand was not fulfilled, the threats were given. There are separate allegations against accused Pravin, who is not before this Court and, therefore, we do not want to take a note of it. Thus, the occasional visits of the present applicants is stated to be the reason for harassment or cruelty. It is absolutely not stated as to soon prior to 24.05.2020, when the present applicants had visited the house of deceased. The statement of the daughter of the deceased has been recorded under Section 161 of the Code of Criminal Procedure and it can be seen that she was the person who was with the deceased during her last days. The said statement in in question and answer form and the answers would indicate that all the allegations are against her father i.e. accused Pravin. She has not stated that the

present applicants had come to their house prior to 24.05.2020. Therefore, offence under Section 306 of Indian Penal Code cannot get attracted, as there is no active role of the present applicants in instigation. We would like to rely on the recent judgment in ***Prakash and Ors. Vs. The State of Maharashtra and Ors., [MANU/SC/1397/2024]***, wherein it has been held 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.” The statements of the witnesses who are the relatives of the deceased are on the same line. Even the occasional visits and anything stated on that day may have strained the relationship, but it cannot be stretched to the extent of cruelty as defined in Section 498-A of the Indian Penal Code and, therefore, case is made out for exercise of powers under Section 482 of the Code of Criminal Procedure in favour of the applicants. Hence, the following order :-

ORDER

- I) Criminal Application stands allowed.
- II) The proceedings in Sessions Case No.510 of 2022, pending before the learned District Judge-5/Additional Sessions Judge,

Aurangabad arising out of the FIR vide Crime No.239 of 2020 dated 26.05.2020 registered with Chikalthana Police Station, District Aurangabad for the offences punishable under Sections 306, 498-A, 323, 504, 506 read with Section 34 of Indian Penal Code, stand quashed and set aside as against the present applicants viz. **(i) Kalyani Ashok Kadve** and **(ii) Rahul Ashok Kadave.**

[SANJAY A. DESHMUKH]
JUDGE

[SMT. VIBHA KANKANWADI]
JUDGE

scm