



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 3529 OF 2023

Chetan Sudam More
Age 33 years, Occ. Service
R/o. T.R. Company, Batchelor Line
S.R.P.F. Group No.5, Daund
Tq. Daund, District Pune

...Applicant

Versus

1. The State of Maharashtra
 2. Dnyandev s/o Dattatraya Shete
Age 38 year, occ. Service
R/o. Balaji Nagar, Teacher Colony,
Karjat, Tq. Karjat, Dist. Ahmednagar
- ...Respondents

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Mr. S.S. Panale, Advocate for the applicants
Mr. P.S. Patil, A.P.P. for the respondent No.1
Mr. Chaitanya Deshpande, Advocate for respondent No.2.
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**CORAM : SMT. VIBHA KANKANWADI AND
SANJAY A. DESHMUKH, JJ.**

DATED : 29th JULY, 2025

O R D E R (PER SANJAY A. DESHMUKH, J.) :-

1. Heard learned advocates for the respective parties.
2. This is an application filed under Section 482 of the Code of Criminal Procedure, 1973 (for short "the Cr.P.C.") for quashing the criminal proceeding bearing Special Case No. 109 of 2022 pending before the Additional Sessions Judge, Shrigonda, District

Ahmednagar arising out of the F.I.R. vide crime No. 681 of 2022 registered with Karjat police station, Karjat, District Ahmednagar for the offences punishable under section 306, 504 and 506 r.w. 34 of the Indian Penal Code, 1860 (for short "the I.P.C.") and under section 3(1)(r), 3(1)(s), 3(2)(va), 3(2)(5) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

3. The informant averred in the report that he is residing at Karjat with his family members, wife Swapnali, son Aditya etc. He is serving as a teacher. On 20.10.2022 at about 11.30 p.m. all family members after having dinner, slept in the house.

4. The informant further averred that the wife of his brother Suvarna Sandeep Shete and her relatives were frequently harassing Sandeep and she was not residing with him since last seven months. On 21.10.2022, Shourya Sandeep Shete, the son of informant's brother at about 5.00 a.m. came to the informant and he was crying. The informant woke up and went to Sandeep where he was sleeping. He saw that Sandeep committed suicide by hanging to the fan with nylon rope. When the informant gave a call to him, he did not respond. He noticed a suicide note there written by him. He informed that fact to the police by making a phone call. The informant further noticed that Sandeep sent the suicide note from his mobile

No. 9284256893 to his mobile No. 9096990030. He read over that Whatsapp message. The contents of which are as under:-

"I, Sandeep Dattatray Shete, am writing this final letter on 21st October 2022, Friday. This may be considered my last will and testament. It is said that a person facing death does not lie, and I am narrating bitter experiences from my life through this letter.

The darkest day of my life was 13th March 2011, when I married Suvarna, which brought calamity upon me. On 6th May 2014, Suvarna gave birth to our first son, Vighnagar. A few months later, I learned of Suvarna's first extramarital affair with Chetan Sudam More, residing at Wadarwasti, Siddhatek, who disrupted our marital life. After confronting Suvarna, she swore on our son Vighnagar that she would not repeat such actions and assured me of her fidelity. In good faith, I forgave her and did not disclose this to anyone. This was my first mistake.

On 2nd July 2017, I was transferred to another district. On 7th August 2018, our second son, Shaurya, was born. However, a few years later, my peaceful family life was disrupted again. On 23rd March 2022, I discovered Suvarna's two additional extramarital affairs through call history retrieved from the My Jio app. She was engaging in prolonged conversations with Vikas (alias Pappu) Baba Gore and Sandeep Kashinath Kharade (alias Gotya). I, along with my father, Ashok Gautam Damre (Suvarna's maternal uncle), and Lata Ashok Damre, visited Wadarwasti, Siddhatek, and informed Gorakh Ramchandra Pote, Shahaji Gorakh Pote, and Sangita Gorakh Pote about the matter. They acknowledged Suvarna's wrongdoing. I demanded a divorce, but none of them took

any initiative to facilitate it.

Upon confronting Suvarna over the phone, she admitted to having physical relations with Vikas Baba Gore and I recorded this conversation. I shared the recording with Ashok Damre and reiterated my demand for a divorce. However, Ashok Damre, an utterly deplorable individual, began threatening me. Citing my occupation as a teacher and my children, he threatened to have me dismissed from my job. Consequently, I filed for divorce in the Shrigonda Court, and notices were issued to Vikas Gore, Chetan More, Sandeep Kharade, and Suvarna Shete. Subsequently, Ashok Damre colluded with Baba Gore, the father of Vikas Gore, another reprehensible individual. Ashok Damre, Suvarna Shete, Shahaji Pote, and Gorakh Pote visited my workplace in Nandgaon village, defamed me, and told villagers that I was unfit to be a teacher and would ruin future generations.

Angered by this, I confronted Sachin Damre, Ashok Damre's son, at Hotel Dhananjay Palace (owned by Ashok Damre) and asked him to reason with his father. Instead, Sachin began arguing with me.

On 18th October 2022, my father, mother, brother, and I visited Ashok Damre's residence to resolve the matter. Overcome with anger towards Suvarna, I physically assaulted her. My brother Gnyandev Shete and father attempted to intervene, but the altercation was recorded by Nitin Damre's wife. Subsequently, Sachin Ashok Damre, Nitin Ashok Damre, Nana Damre's two sons, Nana Yashwant Damre, Akash Datta Damre, Datta Uttam Damre, Lata Ashok Damre, Ashok Gautam Damre, and Ramesh Damre's wife (Vidya) brutally assaulted us until we were nearly unconscious. Neither I, my brother Gnyandev Shete, my father Dattatray Shete, nor my mother Tarabai Shete retaliated. A detailed

account is provided in the Police Investigation Report (P.I.R.).

Despite my parents and brother being innocent, the aforementioned individuals exploited the fact that my brother Gnyandev and I are government employees and attempted to kill us. Ashok Damre is fabricating false evidence to have my brother and me dismissed from our jobs. On 20th October 2022, I learned from relatives that he visited Civil Hospital, Ahmednagar, to obtain fraudulent certificates.

Before my death, I, Sandeep Dattatray Shete, state in this three-page note that the following individuals are responsible for driving me to take my own life:

1. Ashok Gautam Damre (mastermind)
2. Vikas (alias Pappu) Baba Gore
3. Chetan Sudam More
4. Sandeep Kashinath Kharade (alias Gotya)
5. Lata Ashok Damre
6. Sachin Ashok Damre
7. Nitin Ashok Damre
8. Akash Datta Damre
9. Datta Uttam Damre
10. Shahaji Gorakh Pote
11. Sangita Gorakh Pote
12. Gorakh Ramchandra Pote
13. Nana Yashwant (Mahadev) Damre
14. Nana Damre's two sons
15. Ramesh Damre's wife
16. Suvarna Sandeep Shete

My wife Suvarna, who engaged in extramarital affairs, her

uncle Ashok Damre, who supported her, her lovers Vikas Gore, Chetan More, and Sandeep Kharade, her parents, her brother Shahaji Pote, and those who brutally assaulted my parents, my brother, and me must face the strictest punishment. After my death, all inheritance and assets should not be given to Suvarna Sandeep Shete but distributed equally (25% each) among my two sons, Vighnagar and Shaurya, my mother Tarabai, and my father Dattatray. Even if Suvarna Sandeep Shete is listed as the nominee in my LIC policies, service book, bank accounts, or other documents, she should not receive a single rupee of my earnings. This is my final wish.

In a fourth page, I add that my children, Vighnagar and Shaurya, should be cared for by my brother Gnyandev Shete and his wife Swapnali Shete as their own. I request that they never distance themselves from my mother, father, or sister.

Finally, I urge P.I. Yadav Saheb to take the side of justice and ensure that the 16 individuals listed on page 3, who drove me to this act (not suicide but murder), are punished.”

5. The informant thereafter averred that Baba Tukaram Gore, Vikas @ Pappu Baba Gore and Sandeep Kashinath Kharade, residing at Kolwadi, Tq. Karjat, district Ahmednagar were pressurizing his brother for withdrawing the case filed by him against his wife, in the court . They were also abusing him on his caste as he belongs to Chambhar caste etc. He was frequently abused on the caste by these persons. Therefore, he committed suicide. The report was lodged on the same day against the applicant and other accused persons.

6. Learned advocate of the applicant submitted that the role of the applicant is not mentioned in the report. He is falsely implicated in the crime. The F.I.R. and the alleged suicide note, even if taken as it is, there is no act on the part of the applicant which can be said to be an overt act or omission, which can be said to be abetment as contemplated under Section 107 of I.P.C. There is no instigation, conspiracy or intentional aid to the alleged commission of suicide by deceased Sandeep at the instance of the present applicant. Thus, on such false and baseless allegations, asking the applicant to face the trial would be an abuse of the process of the Court. Learned advocate lastly prayed to allow the application.

7. Learned A.P.P. for the State and learned advocate for respondent No.2 have submitted that, the suicidal death is occurred due to the acts of the present applicant as well as other accused persons. The name of the present applicant is mentioned in the suicide note. Therefore, to find out the truth behind commission of suicide by Sandeep More, full-fledged trial of the case is necessary. They lastly prayed to reject the application.

8. We would like to rely upon the decision of Hon'ble Apex Court in the cases of ***Prabhu vs. State Rep. By the Inspector of***

Police, 2024 0 Supreme (SC) 896 and ***Hitesh Verma vs State of Uttarakhand and another; (2020) 10 SCC 710***, in which it has been held that there has to be an independent witness, who had heard the accused hurling abuses in the name of caste.

9. We have perused the charge sheet, particularly the report and the suicidal note displayed by deceased Sandeep More. The role of the applicant is not spelt out in the suicidal note or in the report. From entire material, there is no such parameter that applicant instigated Sandeep soon before he committed suicide.

10. The essential ingredients of Section 107 of I.P.C. that abetment to commit suicide by instigation etc. are not establishing against the applicant. Further, The role of the applicant is not spelt out in the suicidal note or in the report. As per the law laid down in the case of ***Prabhu vs. State Rep. by the Inspector of Police (supra)*** the abetment involves mental process of instigating a person or intentionally aiding a person in doing of a thing.

11. Further, in view of the law laid down by the Hon'ble Apex Court in the case of ***Hitesh Verma vs State of Uttarakhand and another (supra)***, wherein it is specifically stated that such act on the part of the accused should have been with a specific intention of

abuses which were hurled merely because of informant or victim is of a particular caste and accused has acted in such a manner. The contents of present F.I.R. are not clear and therefore, the ingredients of offences under the Atrocities Act are not attracted at all. There is no intentional overt acts on the part of the applicant. Thus, basic ingredients of sections 3(1)(r), 3(1)(s), 3(2)(va), 3(2)(5) of Atrocities Act are not even prima facie attracted.

12. From entire charge sheet, name of the applicant alongwith his specific role of abetment to commit suicide by Sandeep is not spelt out. There is absolutely no evidence as to when and how the applicant abused Sandeep on his caste. In such circumstances and on such scanty material, if the applicant is directed to face the trial, it would certainly be an abuse of the process of the Court.

13. The case is made out for exercise of powers under section 482 of the Cr.P.C. We are therefore, inclined to allow the application, in the interest of justice to prevent the abuse of process of the Court. Hence, the following order:-

O R D E R

I. The application stands allowed.

- II. The criminal proceeding bearing Special Case No. 109 of 2022 pending before the Additional Sessions Judge, Shrigonda, District Ahmednagar arising out of the F.I.R. vide crime No. 681 of 2022 registered with Karjat police station, Ta. Karjat, District Ahmednagar for the offences punishable under sections 306, 504, 506 r.w. 34 of the I.P.C. and under section 3(1)(r), 3(1)(s), 3(2)(va), 3(2)(5) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989, stand quashed and set aside as against the present applicant.

(SANJAY A. DESHMUKH, J.)

(SMT. VIBHA KANKANWADI, J.)

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