



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

28 CRIMINAL APPLICATION NO. 3942 OF 2023

1. Balasaheb S/o Arjun Chavhan,
Age: 58 Years, Occu: Service,
R/o. Walhekarwadi, Balvant colony,
S.No. 40, Pune.
2. Milind S/o Sambhaji Kamble,
Age: 58 Years, Occu. Service,
R/o House No.M-1, Anand Nivas
Sasane Nagar, Sy. No.311/13,
Lane, No.13, Hadpsar Pune.
3. Vikas S/o Babasaheb Aghav
Age 42 years, Occu. Service,
R/o Plot No.20, Radheshyam
Housing Society, Gavhane Vasti,
Bhosari Pune-31 .

...APPLICANTS

VERSUS

1. The State of Maharashtra,
Through Police Inspector,
Police Station, Ahmedpur,
Tq. & Dist. Ahmedpur.
2. Meera Navnath Pendile,
Age: 29 years, Occu: House Hold,
R/a. Morewadi, Ta. Ahmedpur,
Dist. Latur.

...RESPONDENTS

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Mr Ajinkya Reddy, Advocate for Applicants
Mr G. A. Kulkarni, APP for Respondent No.1/State
Mr S. T. Chalikwar, Advocate for Respondent No.2

**CORAM : SMT. VIBHA KANKANWADI &
SUSHIL M. GHODESWAR, JJ.**

DATE : 25 AUGUST 2025

ORDER :

. Present application has been filed initially for quashing the FIR vide C.R. No.0338/2022, dated 06/07/2022, registered with Ahmedpur Police Station, Tq. Ahmedpur, Dist. Latur and later on, by way of an amendment for quashing the charge-sheet bearing No.316/2024 i.e. R.C.C. No.465/2024 pending before the learned Judicial Magistrate First Class, Ahmedpur for the offence punishable under Section 306 read with Section 34 of the Indian Penal Code, 1860.

2. Heard learned Advocate for the applicants, learned APP and learned Advocate for respondent No.2.

3. Learned Advocate for the applicants submits that, even if we consider the contents of the FIR and the charge-sheet as it is, yet it will not reveal the *prima facie* ingredients of Section 306 of the Indian Penal Code. The informant in the FIR herself has clarified the facts which would reveal that the present applicants appear to have promised deceased that they would give employment and in order to secure that employment they have taken amount of Rs.6,00,000/- in installments. However, that incident had

taken place in 2024. Respondent no.2 is the widow of deceased Navnath Maroti Pendile. Navnath had completed his education in D.Ed. and when it was promised to him that he would be employed as a teacher in Municipal Corporation, he had agreed to give the amount. In fact, after the first payment of Rs.2,50,000/- was made, Navnath was sent on service as a teacher with Mhatoba Balwadkar Vidyalaya, Balewadi, Pune for some days, and thereafter, the applicants had alleged to have taken further amount of Rs.2,20,000/-. Thereafter, for getting the permission from the Government for his appointment, amount of Rs.80,000/- was taken. Navnath was not given salary equivalent to the Government teachers but was paid amount of Rs.3,000/- p.m. for eight months. After a year, he was asked not to report to the duty. In the meantime in 2015, the present applicants had prepared a forged document of appointment letter with Pratibha Pawar Vidyalaya, Fursungi, Hadapsar, Pune. The deceased had given amount of Rs.46,000/- by cheque to applicant No.1. It is alleged that applicant Nos.1 and 2 with their common intention in order to grab amount of Rs.10,00,000/- had taken amount of Rs.6,00,000/- and cheated Navnath, as no permanent job was then offered to him. Navnath had in fact sold his land for giving that amount. Respondent No.2 alleges that Navnath was under mental tension. He returned to the native place in 2018. He had no source of income and then in January 2018, he had

prepared a letter holding the applicants responsible for cheating and financial loss as well as mental harassment to him and it was stated that he would be committing suicide. However, the family members restrained him from committing doing so. Since last 3 years, somebody from the family used to be around him and thereby restraining from committing any untoward incidence. Yet, Navnath used to be under tension. He ultimately committed suicide around 11:00 to 11:30 on 07/05/2022.

4. Learned Advocate appearing for the applicants submits that there is absolutely no proximity between the acts alleged against the applicants. Even if, for sake of arguments is it accepted that some amount was given to the applicants, the deceased had to take a legal recourse if he felt that he has been cheated and unnecessary financial burden has been put on him. Even for the recovery of the amount, he could have approach the Court. At no point of time since 2014 to 2022, he has lodged report and therefore, when the ingredients of the offence are not even *prima facie* made out. As the statements of witnesses are in the nature of copy-paste and the same fact reiterated, the applicants need not be asked to face the trial.

5. Learned APP strongly opposed the application and submits that, it appears that since 2014, there was design and time to time extraction of the amount by the applicants to the tune of Rs.6,00,000/-, yet permanent

job was not offered to Navnath, neither the amount was returned. Since the charge-sheet is filed, let there be trial.

6. Learned Advocate appearing for respondent No.2 has placed on record the affidavit-in-reply on behalf of respondent No.2 wherein, she has stated that she had filed the FIR due to misunderstanding and as now the dispute has been settled, she has no desire to proceed with the matter.

7. Here the first fact that is required to be taken note of that, respondent No.2 states that she has settled the matter with the applicants. Intentionally, she has suppressed the terms of settlement. There cannot be FIR due to misunderstanding, wherein she has blamed the applicants for abetting the suicide of her husband. With all the pains, we have to observe that, now a days, death of a person is not even taken seriously by the family members, including the wife. There is a room to believe that intentionally the false FIR was filed when the husband has committed the suicide may be for different reasons. She has tried to rely on the letter left by her husband in 2018 in the name of Police Commissioner, Pune as the piece of evidence for abetting the commission of suicide by Navnath. Now, she says that it was her misunderstanding. Be that as it may. As the documents on record are not to the extent with intention, in order to grab amounts from the applicants, the FIR was lodged, we may not direct

action to be taken against respondent No.2.

8. We would like to prefer to go on merits of the case, as to whether *prima facie* case has been made out or not ? The facts narrated in the FIR are already stated, and therefore, we do not want to reproduce the same. Suffice it to say that, since 2014, it is stated that the amount has been taken by the applicants under the pretext to give job to Navnath. Thereafter, it appears that, for one year he has worked in the school without any complaint to the appropriate authorities. Then it is stated that, after one year, suddenly the school asked him not to report. That means he was not allowed to work which could have been taken as temporary suspension or illegal suspension, for which legal action could have been taken by Navnath. Thereafter, it is also stated that in 2015, another order was given for appointment in another school/college. It turned down to be forged. The second opportunity was then available with the Navnath to lodge the report. Yet, he did not. He shifted to his native place in 2018 and committed suicide in 2022. There is absolutely no statement in the FIR or in the statements of witnesses under Section 161 of the Criminal Procedure Code that after Navnath shifted to his native place in 2018, thereafter also the present applicants were in contact with him and there was any attempt on the part of the applicants to take the rest of the amount

from Navnath or to appoint him in some other institution. For the amount that was allegedly given, Navnath could have filed suit for recovery. However, the fact still remains that, if that amount has been given for securing a job, then it is given by way of illegal means or in a way as a bribe, which then cannot be said to be a legally recoverable amount. When there is a system for employment, then nobody can surpass it by way of illegal means and if there is such attempt, it cannot be said to be then abetment for anything and especially it cannot be termed as fraud or cheating, if the alleged promise for that amount is then not fulfilled.

9. We would like to rely on the recent decision dated 18/08/2025 of the Hon'ble Supreme Court in **Abhinav Mohan Delkar Vs. State of Maharashtra and others**, (Criminal Appeal Nos.2177-2185/2024) of which paragraph Nos. 21 to 24 read as under :-

“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](#)."

10. The legal position governing Section 107 of the Indian Penal Code and Section 306 of Indian Penal Code has been crystallized in this decision and the earlier decisions of the Hon'ble Supreme Court are also referred.

11. Therefore, taking into consideration the entire material in the charge-sheet and the legal position, we are of the opinion that *prima facie*, the ingredients of the offence under Section 306 read with Section 34 of the Indian Penal Code are not getting attracted, and therefore, it would be an abuse of process of law if the applicants are asked to face the trial. However, for the intentionally suppression of the settlement, we would impose costs on the applicants. Hence, we proceed to pass following order :-

ORDER

(I) The application stands allowed.

(II) The proceeding in R.C.C. No.465/2024, pending before the learned Judicial Magistrate First Class, Ahmedpur, arising out of the FIR vide C.R. No.0338/2022 dated 06/07/2022, registered with Ahmedpur Police Station, Tq. Ahmedpur, Dist. Latur, for offence punishable under Section 306 read with Section 34 of the Indian Penal Code stands quashed and set aside against the applicants.

(III) The applicants are directed to deposit amount of Rs.60,000/- in all with the High Court Legal Services Sub-Committee, Bench at Aurangabad within a period of one month. In case of failure on their part to deposit the said amount, it be recovered as arrears of land revenue.

[SUSHIL M. GHODESWAR]
JUDGE

sjk

[SMT. VIBHA KANKANWADI]
JUDGE