



IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

CRIMINAL APPLICATION NO.4865 OF 2024

Bhaskar @ Appa S/o Bapurao Sangale,
Age-64 years, Occu:Agriculture,
R/o-Sutar Galli, Taluka-Shrigonda,
District-Ahmednagar

...APPLICANT

VERSUS

- 1) The State of Maharashtra,
Through Its In-charge Police
Station Officer,
Police Station, Shrigonda,
District-Ahmednagar,
- 2) Vandana W/o Shivram Vahadane,
Age-33 years, Occu:Housewife,
R/o-Kumbhar Galli, Taluka-Shrigonda,
District-Ahmednagar.

...RESPONDENTS

...
Ms. Anjali Dube Advocate for Applicant.
Mr. G.A. Kulkarni, A.P.P. for Respondent No.1.
Mr. S.R. Zambare Advocate for Respondent No.2.

...

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

DATE : 14th AUGUST, 2025

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

1. Present Application has been filed for quashing the First

Information Report (for short "the FIR") vide Crime No.617 of 2022, registered with Shrigonda Police Station, District-Ahmednagar, on 12th August 2022, for the offence punishable under Sections 306, 504, 506 read with Section 34 of the Indian Penal Code and Section 39 of the Maharashtra Money Lending (Regulation) Act, 2014.

2. Heard learned Advocate Ms. Dube for the applicant, learned APP Mr. Kulkarni for respondent No.1 and learned Advocate Mr. Zambare for respondent No.2.

3. Learned Advocate appearing for the applicant has taken us through the FIR and submits that the FIR has been lodged by the widow of the deceased Shivram Vahadane. There are in all 15 accused persons and it is absolutely not on record that there was any connection between the accused persons inter-se. The informant has stated that her husband used to run *Vada Pav* Center by name, *Mauli Vada Pav* and *Shivram Bhel* Center. Her sister-in-law Megha also used to help Shivram in running the said business. Shivram had purchased a house in 2016, by raising loan. Shivram fell ill in 2017 and he was required to incur huge expenditure on his health. Thereafter due to Corona situation, their financial condition went down. Since there was no

money for payment of the rent of the shops, installment of the house and the salaries of the labour, Shivram had taken amount from 15 persons. He was repaying the interest through his bank accounts as well as by online payment. If there used to be some delay on his part in paying the interest, those persons used to come to the shop and give threats to close down the shop and defame him. Even in front of the sister-in-law those persons, from whom Shivram had taken loan, used to abuse and give threats to Shivram. Shivram used to say that due to the said harassment he was feeling that he should not live and he will not be relieved unless he dies. But the informant used to give courage to Shivram by saying that they would repay the amount and he should look-after the children. Informant states that around 5.30 a.m., on 9th August 2022, Shivram went to hotel as usual. He used to come back by 7.00 to 8.00 a.m. for freshening up and for breakfast. On that day, he did not return and his phone was also not reachable. Informant went to hotel and in one of the rooms, she found that Shivram had hanged himself. She raised voice and then the labour and other relatives gathered. Shivram was taken down and taken to Rural Hospital, Shrigonda. He was then declared dead. A chit was found in his

pocket of Jerkin, which was a suicide note and thereafter the FIR has been lodged on 12th August 2022.

4. Learned Advocate appearing for the applicant submits that it is stated that the present applicant had lent amount of Rs.25,000/- and was charging interest at the rate of Rs.40/- per hundred. The contents of the FIR are vague. When that amount was taken from the applicant has not been stated and even if the applicant was demanding the repayment of the said amount, it cannot be considered as abetment. There was no overt act or direct involvement shown or alleged in the FIR. Therefore, it would be unjust to ask the applicant to face the further investigation and the trial, if any.

5. Per contra, the learned APP for respondent No.1 and learned Advocate for respondent No.2 strongly opposed the Application and submitted that the investigation is still going on. There are documents, which have been seized, to show that amount of Rs.25,000/- was taken from the present applicant and he was charging exorbitant interest. Evidence in respect of payment of interest has also been collected. The suicide note clearly states that because of the harassment given to Shivram by the applicant and co-accused, he has committed suicide.

Therefore, this is not the case where the investigation should be aborted and quashment of the FIR should be granted.

6. Before turning to the facts of the case, we would like to consider the legal position. In 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*, the Hon'ble Supreme Court has considered many leading cases, i.e., the decision in *Ude Singh and Others. v. State of Haryana, (2019) 17 SCC 301*, *Pawan Kumar v. State of Himachal Pradesh, (2017) 7 SCC 78*, *Amalendu Pal vs. State of West Bengal, (2010) 1 SCC 707*, *S.S. Chheena vs. Vijay Kumar Mahajan, (2010) 12 SCC 190*, *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*, *State of West Bengal vs. Orilal Jaiswal, (1994) 1 SCC 73*. After taking into consideration all these cases, the Hon'ble Supreme Court, in *Abhinav Mohan Delkar vs. the State of Maharashtra and others (supra)*, observed thus:-

"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."

7. After taking into consideration the legal position, now we would turn to the factual position in the present matter. Even if for the sake of arguments we accept that the deceased Shivram has left the suicide note, it would show that he had taken the amount from the applicant, however, it does not show that when that amount was taken. Independently, the suicide note is not showing how much amount was repaid by Shivram. The investigation papers are made available, which shows that some amount has been taken by Shivram from some of the co-accused since 2018. We are aware that the FIR is not the encyclopedia, but at least it should disclose the basic ingredients. Only the fact that the amount was taken and there is suicide and the suicide

note, will not infer that the accused had abetted commission of the suicide by Shivram. The proximity will have to be established even in the FIR. The panchnama of the contents of the mobile regarding PhonePe or Google Pay, does not show any amount paid to the applicant by online mode. As to when the applicant had met deceased prior to the suicide, is not stated in the FIR. The FIR is by the wife, who is expected to know who were the persons who had come in contact with the husband immediately prior to the incident.

8. Taking into consideration the above legal position, even if we take the case as it is, yet, prima facie the ingredients of the offence under Section 306 of the Indian Penal Code are not made out and therefore, it would be an abuse of process of law to ask the applicant to face the further investigation and the trial, if any. Hence, we proceed to pass following order:-

ORDER

(I) The Application stands allowed.

(II) The First Information Report vide Crime No.617 of 2022 registered with Shrigonda Police Station, District-Ahmednagar, on 12th August

2022, for the offence punishable under Sections 306, 504, 506 read with Section 34 of the Indian Penal Code and Section 39 of the Maharashtra Money Lending (Regulation) Act, 2014, and the further proceedings, if any, arising out of the same, stands quashed and set aside as against applicant - Bhaskar @ Appa S/o Bapurao Sangale.

[SANJAY A. DESHMUKH]
JUDGE

[SMT. VIBHA KANKANWADI]
JUDGE

asb/AUG25