



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO.2421 OF 2024

1. Sujata Roshan Mali
Age: 26 years, Occu.: Household,
2. Kishor Pralhad Patil,
Age: 54 years, Occu.: Service,
3. Meena Kishor Patil,
Age: 46 years, Occu.: Household,
All R/o. At Plot No.7, Gut No.173,
Bharat Nagar, Pimprala, Jalgaon.
Taluka and District Jalgaon.

.. Applicants

Versus

1. The State of Maharashtra
Through Police Inspector,
Tophkhana Police Station,
District Ahmednagar,
2. Ramkrushna Rajaram Mali,
Age: 63 years, Occu.: Nil,
R/o. Bunglow No.220/1,
Ganesh Nagar, Amrutdham,
Panchwati, Nashik,
District Nashik.

.. Respondents

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Mr. A. I. Deshmukh, Advocate for the applicants.
Mrs. P. R. Bharaswadkar, APP for respondent No.1/State.
Mr. N. D. Sonavane, Advocate for respondent No.2.

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**CORAM : SMT. VIBHA KANKANWADI &
MANJUSHA DESHPANDE, JJ.**

DATE : 17 APRIL 2025

ORDER (Per Smt. Vibha Kankanwadi, J.) :-

. Present application has been filed for quashing the FIR vide Crime
No.1118 of 2021 dated 23.12.2021 registered with Tophkhana Police

Station, District Ahmednagar as well as the proceedings in Sessions Case No.274 of 2022 pending before the learned Additional Sessions Judge, Ahmednagr for the offences punishable under Sections 306 read with Section 34 of Indian Penal Code.

2. Heard learned Advocate Mr. A. I. Deshmukh for the applicants, learned APP Mrs. P. R. Bharaswadkar for respondent No.1/State and learned Advocate Mr. N. D. Sonavane for respondent No.2.

3. Learned Advocate for the applicants submits that the informant is the father-in-law of applicant No.1 and applicant Nos.2 and 3 are the parents of applicant No.1. Informant/respondent No.2's son Roshan got married to applicant No.1 on 09.12.2020. Roshan and applicant No.1 were residing at Ahmednagar, whereas the informant was residing at Nashik. Roshan was trying to get employment in Nashik. He was to appear for online interview of company Technograph India Private Limited. However, the informant states that applicant No.1 was resisting him on the ground that she had no intention to go to Nashik and reside with the informant and his family. Roshan used to tell the informant that applicants used to insult him by abusing and especially, applicant No.1 used to give him inferior treatment. She used to pick up quarrels with him. Even when they had gone to Goa, at that time also, she had raised quarrel. Roshan used to give phone call to to the informant/father to tell

about the harassment. On 24.10.2021, there was second round of the interview. At that time also, applicant No.1 created scene and gave threat to commit suicide. She consumed phenyl in bathroom and locked the door. Roshan's friend and his wife had rescued applicant No.1 and at that time, applicant No.1 told that she has no intention to cohabit with Roshan. He should give her Rs.12,00,000/- and get divorce. By throwing the Mangalsutra, Mobile and foot rings on the person of Roshan, she gave threat to involve him in different cases. At the time of Diwali also though applicant No.1 and Roshan had gone to Nashik, but on the next day, she went to Jalgaon along with her father. When informant's relatives had gone to fetch her for cohabitation on 07.11.2021, at that time also, she had created a different scene. When Roshan was explaining the harassment by her in front of all the persons and started crying, applicant Nos.2 and 3 stated to him that whether he is a child. The applicants picked up quarrels and asked the informant and relatives to go out of the house. It created a mental shock on Roshan, however, applicant No.1 had not resumed the cohabitation. Unfortunately, Roshan committed suicide on 23.11.2021. Though in the FIR, other relatives of the applicants were also named, but by way of supplementary statement, the informant clarified that he had no intention to make complaint against them, but their presence was stated by him. The statements of witnesses are on the same line. Therefore, on merits also,

there was nothing which would show that the applicants had instigated the commission of suicide by Roshan. None of them have stated that from 07.11.2021 to 23.11.2021, the present applicants had contacted Roshan. Learned Advocate for the applicants further submits that now respondent No.2 has no grievance, as the matter has been settled out of Court and in view of the compromise also, the proceedings deserve to be quashed and set aside.

4. Learned Advocate for respondent No.2 submits that there is a compromise in the matter.

5. Learned APP strongly opposed the application and submits that merely because there is compromise, this Court should not exercise its powers under Section 482 of the Code of Criminal Procedure in a case involving Section 306 of Indian Penal Code. He relies on the decision in ***Daxaben Vs. State of Gujarat and others, [2022 Cri.L.J. 3438]***, wherein it is held :-

“50. In our considered opinion, the Criminal Proceeding cannot be nipped in the bud by exercise of jurisdiction under Section 482 of the Cr.P.C. only because there is a settlement, in this case a monetary settlement, between the accused and the complainant and other relatives of the deceased to the exclusion of the hapless widow of the deceased. As held by the three-Judge Bench of this Court in *Laxmi Narayan & Ors. (supra)*, Section 307 of the IPC falls in the category of heinous and serious offences and are to be treated as crime

against society and not against the individual alone. On a parity of reasoning, offence under section 306 of the IPC would fall in the same category. An FIR under Section 306 of the IPC cannot even be quashed on the basis of any financial settlement with the informant, surviving spouse, parents, children, guardians, care-givers or anyone else. It is clarified that it was not necessary for this Court to examine the question whether the FIR in this case discloses any offence under Section 306 of the IPC, since the High Court, in exercise of its power under Section 482 CrPC, quashed the proceedings on the sole ground that the disputes between the accused and the informant had been compromised.

6. In ***Daxaben (Supra)*** itself, the Hon'ble Supreme Court has taken note of its earlier decisions in respect of powers under Section 482 of the Code of Criminal Procedure, especially in case of offence under Section 306 of Indian Penal Code, it is observed that :-

“37. Offence under Section 306 of the IPC of abetment to commit suicide is a grave, non-compoundable offence. Of course, the inherent power of the High Court under Section 482 of the Cr.P.C. is wide and can even be exercised to quash criminal proceedings relating to non-compoundable offences, to secure the ends of justice or to prevent abuse of the process of Court. Where the victim and offender have compromised disputes essentially civil and personal in nature, the High Court can exercise its power under Section 482 of the CrPC to quash the criminal proceedings. In what cases power to quash an FIR or a criminal complaint or

criminal proceedings upon compromise can be exercised, would depend on the facts and circumstances of the case.

38. However, before exercising its power under Section 482 of the Cr.P.C. to quash an FIR, criminal complaint and/or criminal proceedings, the High Court, as observed above, has to be circumspect and have due regard to the nature and gravity of the offence. Heinous or serious crimes, which are not private in nature and have a serious impact on society cannot be quashed on the basis of a compromise between the offender and the complainant and/or the victim. Crimes like murder, rape, burglary, dacoity and even abetment to commit suicide are neither private nor civil in nature. Such crimes are against the society. In no circumstances can prosecution be quashed on compromise, when the offence is serious and grave and falls within the ambit of crime against society.”

No doubt, acceptance of compromise at the initial stage and then quashing the proceedings for the offence punishable under Section 306 Indian Penal Code would set a precedent, but at the same time while considering the said powers, the Hon’ble Supreme Court has observed thus :-

“49. In exercise of power under Section 482 of the Cr.P.C., the Court does not examine the correctness of the allegation in the complaint except in exceptionally rare cases where it is patently clear that the allegations are frivolous or do not disclose any offence.”

7. Here, in the present case, we do not intend to dispose of this matter only on the basis of the compromise. We would consider the merits i.e. whether the material in the charge-sheet is sufficient to take cognizance of the offence under Section 306 of Indian Penal Code.

8. The relationship is not denied. The informant's son was married to applicant No.1 and after 15 days of marriage, son Roshan and daughter-in-law applicant No.1 were residing at Ahmednagar in a rented premises. It appears that Roshan wanted to change his job and wanted to appear for the online interview with a company from Nashik. Applicant No.1 is stated to be not willing to shift to Nashik and stay with the father-in-law and mother-in-law. It is then stated that she used to torture Roshan and Roshan used to inform the said fact to informant. Though it appears that they got married on 09.12.2020, they had gone to Goa somewhere in October 2021. The informant has not stated when the first round of online interview of Roshan was to be held, but then he says that the second round was on 24.10.2021 i.e. after return of Roshan and applicant No.1 to Ahmednagar from Goa on 19.10.2021. Then it is stated that on 24.10.2021, applicant No.1 had given threat to commit suicide, tried to consume phenyl and locked herself in bathroom. Roshan's friend and his wife had persuaded applicant No.1 to come out of bathroom. Statement of Rushikesh Yeole/the friend of Roahsn has been recorded. He states that there used to be quarrels between Roshan and applicant

No.1 on trifle grounds. They both were not talking with each other for eight days and sometimes Roshan was kept out of the house. This witness used to give advise to them and then he says that Sujata was giving threat to commit suicide. This witness has advised Roshan, when Roshan told him that he feels to commit suicide because of the quarrels, that he should contact the relatives and should see that the grievance is redressed. Thus, there is a corroboration to the statements in respect of the behaviour of applicant No.1 with deceased Roshan from his friend. However, this had happened on 24.10.2021. Then the FIR says that Roshan as well as applicant No.1 had gone to Nashik for celebrating Diwali which would be between 24.10.2021 to 07.11.2021, but on the next day itself, Sujata went to Jalgaon i.e. her parental home with her father/applicant No.2 with her ornaments and clothes. Informant then states that all of them i.e. his relatives, Roshan and another son, his daughters and their husbands had gone to Jalgaon on 07.11.2021 for fetching Sujata for cohabitation. However, at the time of narration, when Roshan was telling about the treatment given to him by Sujata, he disclosed that Sujata used to tell him that she wanted to marry another boy, but mistakenly the parents have given him in marriage to Roshan and he started crying. Thereupon, applicant Nos.2 and 3 stated to him that whether he is a small boy. Sujata's parental relatives i.e. uncle and aunt also quarreled with Roshan, informant and others and drove them

out of the house. Thus, this incident took place on 07.11.2021. Informant states that Roshan went back to Ahmednagar for his job on 21.11.2021. He then states that he came to know from Roshan that Sujata from her two mobile numbers used to contact two different persons on their mobiles (numbers are given in the FIR), used to chat late night also and when Roshan used to object, she says that she wanted to marry one of the boy and because of him, she could not marry. He should give divorce to her otherwise she would continue to harass him. The informant then involves those two boys also by stating that they used to insult Roshan by giving phone calls. This narration gives a picture that the incidents had not taken place between 07.11.2021 to 21.11.2021 at Nashik, because the FIR itself says that applicant No.1 had not resumed the cohabitation with deceased Roshan. It is absolutely not stated by those witnesses also, who were along with the informant that applicant No.1 came along with them on 07.11.2021. Therefore, there is absolutely no positive evidence to show that between 07.11.2021 to 21.11.2021 when Roshan was at Nashik, at that time, either applicant Nos.1 to 3 or the two boys had contacted Roshan on phone. In the FIR, it is further stated that around 10.58 hours on 23.11.2021, Roshan had given phone call to informant and told him that due to the harassment by applicants, he could not sleep. He would be taking leave and would be doing work at home. He also told that he wanted to join a course and for its expenses,

he would raise money. The informant told him that he may also provide money to him. According to the informant, from the voice of Roshan he could gather that Roshan was in tension. Now, in order to support this fact, the investigating officer has not taken the CDR/SDR of the applicants to state that even after 21.11.2021 till 23.11.2021, the applicants had given a phone call to Roshan and had talked to him.

9. Unfortunately, Roshan committed suicide by hanging himself. The spot panchanama, inquest panchanama and the postmortem report support the fact of suicide.

10. We would like to rely on the decisions in ***Dilip Ramrao Shirasao and others vs. State of Maharashtra and another*** [2016 ALL MR (Cri) 4328], ***Sanju alias Sanjay Singh Sengar vs. State of Madhya Pradesh*** [2002 Cri.L.J. 2796], ***Madan Mohan Singh vs. State of Gujrat and another*** [(2010) 8 SCC 628], ***S.S. Chheena vs. Vijay Kumar Mahajan*** [2010 All MR (Cri) 3298 (S.C.)] and ***R. Shashirekha vs. State of Karnataka and others*** [2025 INSC 402]. Taking into consideration the ratio laid down in all these authorities and the fact in present case, definitely, ingredients of any of the offences under which charge sheet is filed are not at all attracted. Further, it has been observed in one of the recent Judgments in ***Mahendra Awase vs. The State of Madhya Pradesh*** [2025 INSC 76] that merely for the satisfaction of informant

Investigating Officer should not file charge sheet against accused, arrayed in offence under Section 306 of the Indian Penal Code. In ***Amalendu Pal @ Jhantu vs. State of West Bengal [(2010) 1 SCC 707]*** similar view that of ***M. Mohan*** (*supra*) is taken, wherein it was held that -

“In a case of abetment of suicide, there must be proof of direct or indirect act(s) of incitement to the commission of suicide. Merely on the allegation of harassment without there being any positive action proximate to the time of occurrence on the part of the accused which led or compelled the deceased to commit suicide, conviction in terms of Section 306 of the Indian Penal Code would not be sustainable.”

11. Therefore, taking into consideration the facts and the law, we are of the opinion that even on merits, the material which is collected in the investigation fails to make out even a *prima facie* case for attracting offence under Section 306 of Indian Penal Code. No doubt, now there is a compromise, but as aforesaid, even on merits, when the *prima facie* case is not shown, this would be the appropriate case where we should exercise our powers under Section 482 of the Code of Criminal Procedure. Hence, the following order :-

ORDER

- I) Criminal Application stands allowed.

II) The FIR vide Crime No.1118 of 2021 dated 23.12.2021 registered with Tophkhana Police Station, District Ahmednagar as well as the proceedings in Sessions Case No.274 of 2022 pending before the learned Additional Sessions Judge, Ahmednagar for the offences punishable under Sections 306 read with Section 34 of Indian Penal Code, stand quashed and set aside as against the present applicants i.e. (1.) **Sujata Roshan Mali**, (2) **Kishor Pralhad Patil**, and (3) **Meena Kishor Patil**.

[MANJUSHA DESHPANDE]
JUDGE

[SMT. VIBHA KANKANWADI]
JUDGE

scm