



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 4756 OF 2024

1. Mohit Raju Chopra
2. Raju Laxminarayan Chopra
3. Priti Raju Chopra

All R/o.Flat No.03
Mahaveer Darshan Building
Jivdani Complex, V.S.Road, Virar
Tal.Vasai, Dist.Palghar.

... APPLICANTS

VERSUS

1. The State of Maharashtra
through in charge of
Srirampur City Police Station
Srirampur, Dist. Ahmednagar
2. Bharat Arjundas Narang
R/o. Zulelal Panth, Tambe Chawl
Ward No. 1 Srirampur,
Dist.Ahemednagar.

... RESPONDENTS

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Advocate for the Applicants : Mr. Ajay Mishra
AGP for Respondent/State : Ms. Jayshri P. Reddy
...

CORAM : R.G. AVACHAT AND
ABASAHEB D. SHINDE, JJ.

DATE : 24.12.2025

JUDGMENT (ABASAHEB D. SHINDE, J.) :

1. Heard. Rule. Rule is made returnable forthwith. With the consent of the parties the matter is heard finally at the stage of admission.

2. By this criminal application filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, the applicants are seeking quashment of the FIR No.0469/2024 registered with Shrirampur City Police Station dated 19.04.2024 for the offences punishable under Sections 306, 498-A read with Section 34 of the Indian Penal Code (for short the IPC) and the consequential charge-sheet filed pursuant to the same.

3. Facts giving rise to filing of this Criminal Application are as follows :

- i. The Respondent No.2 – informant lodged the FIR with Shrirampur Police Station alleging that his deceased daughter, Tanvi got married with the applicant No.1 on 16.02.2021. He had performed their marriage gracefully by spending Rs.25,00,000/-, however, the applicants No.1 to 3 were harassing deceased Tanvi by taunting her that the marriage performed by the informant was not as per their pleasure and by not offering proper respect. It is also alleged that the deceased Tanvi because of said ill-treatment given by the applicants No.1 to 3 was under tremendous mental stress. Once when she suffered fracture to her right leg, the applicants No.1 to 3 did not take proper care nor even bothered to meet her. She always

used to make a grievance with the informant that no meaning left in her life to survive anymore and she is experiencing suicidal thoughts or feelings. However, the informant used to console her everytime.

- ii. It is further alleged that from September 2022 to February 2024, deceased Tanvi started residing separately with her husband (applicant no.1) at Malad, Mumbai, in rented flat. She was doing a private job at Vikroli, Mumbai. It is further alleged that the applicants No .2 and 3 were not allowing the applicant No.1 to stay with her, as a result of which deceased Tanvi was feeling lonely and she was kept away from the love and affection of applicant No.1. It is further alleged that the applicants No.2 and 3 visited at her rented flat in the month of February 2024 and threatened her on account of demand of money from the informant.
- iii. It is further alleged that deceased Tanvi thereafter came to her parental home, however, she was under depression and mental stress because of mental and physical harassment and ill-treatment meted out by the applicants No.1 to 3. It is further alleged that she was always thinking of committing suicide. On 11.03.2024 she went missing as a result of which the Respondent No.2/informant lodged a missing report with the

police station, however, on 12.03.2024 at 02:00 am she was found lying unconscious in industrial area at Shrirampur. Thereafter, she was taken to the hospital where she was declared as dead. The cause of death is shown as consumption of poisonous substance. Hence, Respondent No.2 lodged the FIR against the applicants No.1 to 3.

4. The learned counsel for the applicants submits that the applicants No.1 to 3 are innocent and they have been falsely implicated in the impugned crime. It is further contended that they have neither subjected the deceased to harassment nor there was any demand whatsoever. On the contrary, the deceased initially had also attempted to commit suicide by consuming excessive pills of depression and when the deceased at the relevant time was taken to the hospital, the statement given by the deceased on 09.01.2022 reveals that she had attempted to commit suicide as stated above by consuming excessive pills of depression as she was under mental stress due to death of her mother as well as due to miscarriage. It is thus submitted that deceased was hypersensitive and short tempered woman. It is further contended that she was facing difficulty of depression even prior to her marriage but the said fact was suppressed by Respondent No.2 – informant. The learned counsel for the applicants No.1 to 3 would further urge that since the applicants No.1 to 3

have neither ill-treated the deceased nor have instigated the deceased compelling her to commit suicide, thus offence under Section 306 much less an offence under Section 498-A is not made out and making the applicants No.1 to 3 to face trial would be nothing but an abuse of process of law and, therefore, urged for allowing the criminal application.

5. Learned APP on the other hand would submit that *prima facie* offences under Section 306 and 498-A of IPC have been made out against the applicants No.1 to 3 as can be seen from the contents of the FIR that the deceased was subjected to ill-treatment on account of demand of money. He would further submit that by depriving her from love and affection of applicant No.1, she was compelled to leave the matrimonial house and to reside at her parental home where she committed suicide and thus on account of ill-treatment given by the applicants No.1 to 3, she has taken extreme step of committing suicide and therefore urged that the criminal application be rejected. It is further contended by learned APP that even a charge-sheet shows *prima facie* case being made out against the applicants No.1 to 3.

6. We have heard the learned counsel for the applicants No.1 to 3, learned APP and perused the copy of charge-sheet placed on record. The relevant provisions of IPC that falls for consideration are as as under :

- “**107. Abetment of a thing.**—A person abets the doing of a thing, who—
First.—Instigates any person to do that thing; or
Secondly.—Engages with one or more other person or persons in any conspiracy for the doing of that thing, if an act or illegal omission takes place in pursuance of that conspiracy, and in order to the doing of that thing; or
Thirdly.—Intentionally aids, by any act or illegal omission, the doing of that thing.
- 306. Abetment of suicide.**—If any person commits suicide, whoever abets the commission of such suicide, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.”

7. Section 306 of IPC has two basic ingredients, first, an act of suicide by one person and second, an abetment to said act by another (person). In order to sustain charge under Section 306 of the Indian Penal Code, it must necessarily be provided that the accused person has contributed to the suicide of deceased by some direct or indirect act. To prove such contribution or involvement one of the three conditions outlined in Section 107 of the IPC has to be satisfied.

8. Section 306 read with Section 107 of the IPC has been interpreted time and again and its principle will be established to attract the offence of abetment to suicide. It is important to establish proof of direct and indirect act of instigation or incitement of suicide by the accused, which must be in close proximity to the commission of suicide by the deceased. Such instigation and incitement should reveal the clear

mens rea to abet the commission of suicide and should put the victim in such a position that he/she would have no other option but to commit suicide. The above legal position has been reiterated by the Hon'ble Apex Court in the case of **Mariano Anto Bruno and Anr. Vs. Inspector of Police ; (2023) 15 SCC 560**, wherein, the Hon'ble Supreme Court observed thus :

“45. This Court has time and again reiterated that before convicting an accused under Section 306 IPC, the court must scrupulously examine the facts and circumstances of the case and also assess the evidence adduced before it in order to find out whether cruelty and harassment meted out to the victim had left the victim with no other alternative but to put an end to her life. It is also to be borne in mind that in cases of alleged abetment of suicide, there must be proof of direct or indirect acts 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 person to commit suicide, conviction in terms of Section 306 IPC is not sustainable.”

9. The Hon'ble Apex Court relying on its earlier decision rendered in the case of **Mariano Anto Bruno** (supra) in the case of **Prakash and Others Vs. State of Maharashtra and Anr.; 2024 SCC OnLine 3835**, observed thus :

37. We further find that the prosecution has failed to prima facie establish that the appellants had any intention to instigate or aid or abet the deceased to commit suicide. No doubt that a young woman of 25 years has lost her life in an unfortunate incident. However, in the absence of sufficient material to show that the appellants had intended by their words to push the deceased into such a position that she was left with no other option but to commit suicide, continuation of criminal proceedings against

the appellants would result in an abuse of process of law and as such, we are inclined to allow the appeal.

10. In the case in hand after going through the charge-sheet, we find that the deceased Tanvi was hypersensitive and she in fact had made an attempt in January 2022 to commit suicide by consuming excessive pills of depression and when she was admitted to the hospital, her statement was recorded where she had clearly stated that she consumed those pills of depression as she was facing this problem of depression since the death of her mother who died because of self-immolation and on account of miscarriage, as a result of which she again went in mental stress and thus have consumed those excessive pills namely Inderal 40 mg and 10 mg.

11. The Hon'ble Apex Court in the case of **Ude Singh Vs. State of Haryana; (2019) 17 SCC 301**, has considered this aspect and observed as follows :

16. In cases of alleged abetment of suicide, there must be a proof of direct or indirect act(s) of incitement to the commission of suicide. It could hardly be disputed that the question of cause of a suicide, particularly in the context of an offence of abetment of suicide, remains a vexed one, involving multifaceted and complex attributes of human behaviour and responses/reactions. In the case of accusation for abetment of suicide, the court would be looking for cogent and convincing proof of the act (s) of incitement to the commission of suicide. In the case of suicide, mere allegation of harassment of the deceased by another person would not suffice unless there be such action on the part of the accused which

compels the person to commit suicide; and such an offending action ought to be proximate to the time of occurrence. Whether a person has abetted in the commission of suicide by another or not, could only be gathered from the facts and circumstances of each case.

- 16.1. For the purpose of finding out if a person has abetted commission of suicide by another, the consideration would be if the accused is guilty of the act of instigation of the act of suicide. As explained and reiterated by this Court in the decisions above referred, instigation means to goad, urge forward, provoke, incite or encourage to do an act. If the persons who committed suicide had been hypersensitive and the action of the accused is otherwise not ordinarily expected to induce a similarly circumstanced person to commit suicide, it may not be safe to hold the accused guilty of abetment of suicide. But, on the other hand, if the accused by his acts and by his continuous course of conduct creates a situation which leads the deceased perceiving no other option except to commit suicide, the case may fall within the four corners of Section 306 IPC. If the accused plays an active role in tarnishing the self-esteem and self-respect of the victim, which eventually draws the victim to commit suicide, the accused may be held guilty of abetment of suicide. The question of mens rea on the part of the accused in such cases would be examined with reference to the actual acts and deeds of the accused and if the acts and deeds are only of such nature where the accused intended nothing more than harassment or snap show of anger, a particular case may fall short of the offence of abetment of suicide. However, if the accused kept on irritating or annoying the deceased by words or deeds until the deceased reacted or was provoked, a particular case may be that of abetment of suicide. Such being the matter of delicate analysis of human behaviour, each case is required to be examined on its own facts, while taking note of all the surrounding factors having bearing on the actions and psyche of the accused and the deceased.
- 16.2. We may also observe that human mind could be affected and could react in myriad ways; and impact of one's action on the mind of another carries several imponderables. Similar actions are dealt with differently by different persons; and so far a particular person's reaction to any other human's action is concerned, there is no specific theorem or yardstick to estimate or assess the same. Even in regard to the factors related with the question of harassment of a girl, many factors are to be considered like age,

personality, upbringing, rural or urban set-ups, education, etc. Even the response to the ill action of eve teasing and its impact on a young girl could also vary for a variety of factors, including those of background, self-confidence and upbringing. Hence, each case is required to be dealt with on its own facts and circumstances."

12. In this circumstance it could be seen that the deceased was residing away from the applicants No.1 to 3 from September 2022 to February 2024 and she never made any grievance about any ill-treatment given by the applicant Nos.1 to 3. On the contrary, she stayed alone on account of being in service for near about one and half year. It could also be seen that since February 2024 the deceased was residing at her parental home and after almost one (1) month i.e. on 11.03.2024 she consumed poisonous substance meaning thereby, even taking the allegations as it is, it could be seen that from September 2022 till February 2024 the deceased was residing alone and thereafter she went to the house of Respondent No.2– informant and then committed suicide, therefore, in our view, there is no proximity between the deceased committing suicide and the applicants No.1 to 3 abetting the commission of suicide by the deceased.

13. The above circumstances unequivocally shows that, there is no direct or indirect act of instigation or incitement of suicide by the applicants nor the same is in close proximity to commission of suicide by deceased Tanvi. It can also be seen that having regard to the allegations in

the FIR and perusal of chargesheet none of the conditions outlined in section 107 of IPC are satisfied. We are also of the considered view that once having held that, the applicants have not instigated the deceased with their act either directly or indirectly to such an extent that she had no option but to commit suicide, this clearly shows absence of mens rea which is one of the most significant aspect.

14. In the light of legal proposition laid down by Hon'ble Apex Court in the case of **Prakash and others (supra)** reiterating the view taken in the case of **Mariano Anto Bruno (supra)** as well as law laid down in the case of **Ude Singh (supra)** we are of the view that none of the ingredients of section 306 of IPC has been made out having regard to the material placed on record with the chargesheet that deceased Tanvi was hypersensitive and thus has taken this extreme step of consuming the poisonous substance (overdose of depression pills) and the applicants were not expected to induce the deceased to commit suicide.

15. Coming to the allegation under Section 498-A of the IPC, it would be apt to reproduce the provision of Section 498A :

498-A. Husband or relative of husband of a woman subjecting her to cruelty.—Whoever, being the husband or the relative of the husband of a woman, subjects such woman to cruelty shall be punished with imprisonment for a term which may extend to three years and shall also be liable to fine.

Explanation.—For the purposes of this section, “cruelty” means—

- (a) any wilful conduct which is of such a nature as is likely to drive the woman to commit suicide or to cause grave injury or danger to life, limb or health (whether mental or physical) of the woman; or
- (b) harassment of the woman where such harassment is with a view to coercing her or any person related to her to meet any unlawful demand for any property or valuable security or is on account of failure by her or any person related to her to meet such demand.]

16. As far as allegations regarding harassment and cruelty by the applicant Nos. 1 to 3 to the deceased Tanvi are concerned, the same are alleged immediately after performance of marriage on 16.02.2021 whereas the other incident is alleged to have occurred on 08.01.2022 on account of demand of money by the applicants No.1 to 3. The further allegations of cruelty are on account of demand of balance amount of Rs.25,00,000/- remained to be paid during marriage, however, the fact remains that when the deceased Tanvi started residing separately from the applicants No.1 to 3 during September 2022 to February 2024, there are no allegations of any demand of money or harassment, on the contrary, the Respondent No.2- informant himself brought the deceased to his house in February 2024 and almost after a period of one (1) month the deceased committed suicide while she was staying with Respondent No.2- informant. We therefore find that since September 2022 till deceased Tanvi committed suicide there are no allegations of harassment of deceased on account of demand of money. The deceased committed suicide on 12.03.2024, which clearly goes to show that this incident really

triggered the Respondent No.2– informant to file an FIR on 19.04.2024 meaning thereby the FIR has been lodged almost after a period of more than one (1) month from the date of incident alleging offences under section 306 and section 498-A of IPC against applicants No.1 to 3 .

17. Recently the Hon'ble Apex Court in the case of **Dara Lakshmi Narayana and Ors. Vs. State of Telangana and Anr; (2025) 3 SCC 735**, held thus :

“30. The inclusion of Section 498-A IPC by way of an amendment was intended to curb cruelty inflicted on a woman by her husband and his family, ensuring swift intervention by the State. However, in recent years, as there have been a notable rise in matrimonial disputes across the country, accompanied by growing discord and tension within the institution of marriage, consequently, there has been a growing tendency to misuse provisions like Section 498-A IPC as a tool for unleashing personal vendetta against the husband and his family by a wife. Making vague and generalised allegations during matrimonial conflicts, if not scrutinised, will lead to the misuse of legal processes and an encouragement for use of arm twisting tactics by a wife and/or her family. Sometimes, recourse is taken to invoke Section 498-A IPC against the husband and his family in order to seek compliance with the unreasonable demands of a wife. Consequently, this Court has, time and again, cautioned against prosecuting the husband and his family in the absence of a clear prima facie case against them.”

18. We find that the impugned FIR No.0469/2024 filed by the Respondent No.2 - informant has been initiated with an ulterior motive for wreaking vengeance and to settle personal scores and grudges against applicant No.1 and his family members i.e. applicants No.2 and 3 herein. Hence, the present case in hand falls within category (7) of illustrative

parameters highlighted by the Hon'ble Apex Court in the case of **State of Haryana V/s Bhajan Lal; 1992 Supp (1) SCC 335**, which reads thus :

“(7) Where a criminal proceeding is manifestly attended with mala fide and/or where the proceeding is maliciously instituted with an ulterior motive for wreaking vengeance on the accused and with a view to spite him due to private and personal grudge.”

19. Before parting, we may observe that though the applicants No.1 to 3 and the Respondent No.2- informant have placed on record the terms of settlement stating that they have decided to settle the matter amicably, however, instead of disposing of the present criminal application on the basis of said deed of settlement, we deemed it proper to decide the criminal application on merits. We, therefore, are not inclined to consider the said deed of settlement since we have decided the criminal application on merits.

20. We thus find that continuation of criminal proceedings bearing R.C.C. No. 416/2024 against the applicants pursuant to the impugned FIR No.0469/2024 and the consequent filing of charge-sheet, would result in an abuse of process of law. We, therefore, are inclined to allow the criminal application and pass the following order :

ORDER

- I. The criminal application is allowed.
- II. The FIR bearing Crime No.0469/2024 registered with Shrirampur

City Police Station, Dist. Ahmednagar, dated 19.04.2024 for the offences punishable under Sections 306, 498-A read with Section 34 of the IPC, the consequential charge-sheet filed pursuant to the same and the proceedings pending before the learned Judicial Magistrate, First Class, Shrirampur bearing R.C.C. No.416/2024 stands quashed and set aside.

III. Rule is thus made absolute in above terms with no order as to costs.

(ABASAHEB D. SHINDE, J.)

(R.G. AVACHAT, J.)