

REPORTABLE

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL APPLICATION NO. 1762 OF 2024

Suresh Shamravji Chakre
Age : 48 Years, Occ. : Supervisor,
R/o : Room No.11, Shamrao Lelekar
Chawl, Turel Pakhadi, Road No.3, Liberty
Garden, Malad (W), Mumbai 400 064 ...Applicant

Versus

1. The State of Maharashtra
(Copy to be served upon GP of
Bombay High Court)
Thr. Sr. Police Inspector Sion Police
Station, Dist.: Mumbai
Vide its C.R. No.251/2024
2. Rajeshri Shailesh Patil
Age : 51 Years, Occu. Housewife,
R/o. Room No.-105, Building No.5/A,
Jay Maharashtra Nagar, Tata Power House,
Boriwali (E), Mumbai – 400066 ...Respondents

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Mr. Abhishek Kulkarni a/w Mr. Sagar Wakale, Advocate for the
Applicant.

Ms. R.A. Ambekar, APP for the Respondent No.1/State.

**CORAM : RAVINDRA V. GHUGE
&
RAJESH S. PATIL, JJ.**

DATE : 14th JANUARY, 2025

ORDER (Per Ravindra V. Ghuge, J.)

1. The Applicant is Accused No.1 in First Information Report (FIR) bearing no. 0251 of 2024 registered with the Sion Police Station, District Brihan Mumbai on 22nd July, 2024. There are five other Accused, whose names are mentioned in the FIR.

2. After the hearing in this matter was concluded, we called upon the learned Advocate for the Applicant to state whether he desires to withdraw the Application, since we had expressed our disinclination. The Applicant is present in the Court and has instructed the learned Advocate to seek an order from the Court.

3. The contention of the Applicant is that Section 306 and Section 34 of the Indian Penal Code (IPC) have been invoked. There is no specific act attributed to the present Applicant, which can be said to be a cause for abetment to suicide. The Applicant has drawn our attention to the 13 grounds, which have been set out in the memo of the Application. These grounds can be summarized as under :-

- (a) Even if the entire allegations in the FIR are taken as they are, *prima facie* case is not made out against the Applicant under Section 306 of IPC.
- (b) A false FIR has been filed by the widow of the deceased.
- (c) A delay of 38 days is caused in lodging the FIR.
- (d) No allegations are set out against the Applicant in respect of abetment or instigation to commit the suicide.
- (e) The Applicant is falsely implicated in the crime.
- (f) The deceased alleged that he received a threatening phone call from the present Applicant on 10th June, 2024 at 10:00 p.m, but the FIR story would indicate that he had consumed boric acid powder before receiving the call.
- (g) The FIR reveals that the deceased had promised to '*provide remained consideration on the next day*', which suggests that the alleged phone call did not prompt or abet the suicide.
- (h) The deceased was hospitalized for four days from 10th June, 2024 to 13th June, 2024. He passed away on 15th June, 2024.

- (i) The delay of 38 days in filing the FIR is fatal.
- (j) Section 306 of IPC would not apply to the Applicant, if the allegations of harassment are insufficient directly leading to the suicide.
- (k) There is no clear connection between the Applicant's act of calling the deceased and the suicide of the deceased.
- (l) Reliance is placed on the following Judgments :-
 - (i) *Madan Mohan Singh V/s. State of Gujrat*¹
 - (ii) *Binod s/o. Ratan Sarkar & Ors. V/s. The State of Maharashtra & Anr.*²
 - (iii) *Ravindra Bhimrao Khillare & Ors. V/s. The State of Maharashtra & Anr.*³
- (m) The investigation is at a primary stage.
- (n) The Applicant should not be made to undergo the ordeal of a criminal trial.

4. The learned APP submits that the investigation is completed and the chargesheet is ready to be filed. The handwriting expert's report is awaited. The cellular tower location and the CDR

¹ 2010 ALL MR CRI 3245 (SC)

² 2014 ALL MR (Cri) 1216

³ 2017 ALL MR (Cri) 2966

details indicate that it was the present Applicant, who had made the crucial threatening call to the deceased, which frightened him to such an extent that he decided to commit suicide.

5. The learned Advocate for the Applicant submits that the Applicant has never denied that he has made the call to the deceased. His argument is that the facts and circumstances would not satisfy Section 107 of IPC while proving the offence punishable under Section 306 of the IPC.

6. The learned APP submits that Sections 306 and 34 of the IPC have been invoked. A copy of the handwritten suicide note of the deceased is available in the records and the learned APP has tendered a typed copy of the suicide note. We are reproducing the typed version of the suicide note, hereunder :-

“इसम नामे शैलेश पाटील यांनी आत्महत्या करण्यापुर्वी लिहून ठेवलेल्या नोट ची माहीती ”

माझ्या मयत बिल्डींगमध्ये घेवून जावू नका मामाच जस केले आहे तसे इलेक्ट्रीक मध्ये टाकून दया हि माझी विनंती आहे मी कोणाचा फ्रॉड केला नाही मला माझ्या मित्रांनी फसवले आहे अविनाश पवार / दिलीप मुरुडकर प्रविण माटे यांचेमुळे मी फसलो आहे अविनाश पवार १६००००० सोळा लाख रुपये दिलो आहे या लोकांनी माझ्याकडून पैसे घेतले

म्हणून त्या मला धमकी देतो.

सुरेश चकरे यांनी मला जिवे ठार मारण्याची धमकी दिली आहे बच्चू कडूच्या नावाने आणी संतोष मनाला व रवि तळेकर यांनी मला फसवले आहे त्याच्यामुळे मी माझी जिवण संपवत आहे. रमेशचे १००००० लाख रुपये रवि तळेकरने घेतले आहेत आणी मला १२ वर्षे तळेकर फसवणुक करत आहे मी कोणाचा फ्रॉड केला नाही मी फसलो आहे

जय एकवीरा देवी

१०/०६/२०२४”

7. Section 306 and Section 34 of IPC, which read as under :-

“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.

34. Acts done by several persons in furtherance of common intention – When a criminal act is done by several persons in furtherance of the common intention of all, each of such persons is liable for that act in the same manner as if it were done by him alone.”

8. The purported suicide note and the contents of the FIR indicate that it was the present Applicant, who had called the deceased on telephone on 10th June, 2024 after 10:00 p.m. The Complainant wife had picked up the phone since the deceased was in the washroom. It is the grievance of the Complainant that the present Applicant had threatened to end the life of the deceased, if

the money was not returned on the next date. The FIR indicates that thereafter the deceased consumed boric acid, considering that the Complainant questioned him on 11th June, 2024, as to why he had consumed boric acid powder and he narrated the names of the Accused with the story that he was being threatened with his life, if the money was not returned.

9. The suicide note would indicate that the deceased believed that he had not taken the money and it were the other persons who had appropriated the money to themselves. One Mr. Vishal Makwana was under the firm belief that the deceased had taken the money and was not returning the same. The present Applicant is said to have held out the threat of finishing the deceased in order to recover the money for Mr. Vishal Makwana. The learned APP has placed before us a Panchnama by which the talk between the deceased and the present Applicant was reduced into writing.

10. In the above backdrop, we have considered the Judgments cited by the learned Advocate for the Applicant. In the facts of the case in *Madan Mohan Singh (Supra)*, the Hon'ble

Supreme Court came to a conclusion that the FIR and the suicide note cannot be depicted as expressing anything intentional on the part of the Accused that the deceased might commit suicide. Merely because the Accused changed the duty of the driver or that the accused asked him not to take the keys of the car and to keep the keys of the car in the office itself, would not constitute a reason for committing suicide. Apparently, the facts in *Madan Mohan Singh (Supra)*, are completely different from the facts before us.

11. In *Ravindra Bhimrao Khillare (Supra)*, the Division Bench of this Court noticed that there was no contention in the FIR as regards positive act of instigation, abetment or attributing to other Accused persons, with proximity of commission of suicide by deceased. Hence, the FIR was quashed as only against such persons. In the case before us, we find from the typed copy of the suicide note, as well as the FIR, that the role of the present Applicant, *prima facie*, appears to be the reason why the deceased committed suicide.

12. In *Binod s/o. Ratan Sarkar (Supra)*, this Court concluded that there must be proof of direct or indirect acts, which triggered the commission of suicide. The word instigate means to

provoke or urge a person to do a thing. In the case of abetment of suicide there must be proof of direct or indirect acts which led to the commission of the suicide. In the present case before us, the deceased is said to have attributed the threats to his suicide. The suicide note specifically mentions the name of the Applicant having threatened him with finishing his life. The transcript set out in the Panchnama also indicates, *prima-facie*, the direct involvement of the present Applicant.

13. In catena of judgments, the Hon'ble Supreme Court has crystallised the law that a mini trial cannot be conducted in the High Court and if an offence is made out by the contentions of the Informant/Complainant, this Court should be extremely slow in showing indulgence [*Naresh Aneja alias Naresh Kumar Aneja V/s. State of Uttar Pradesh and Another*⁴, *Kim Wansoo V/s. State of Uttar Pradesh and Others*⁵, *Central Bureau of Investigation V/s. Aryan Singh Etc.*⁶ and *State of Odisha V/s. Pratima Mohanty And Others*⁷].

4 2025 SCC OnLine SC 3

5 2025 SCC OnLine SC 17

6 AIR 2023 SC 1987

7 (2022) 16 SCC 703

14. Considering the above, we do not find that this is a fit case to be entertained for quashing of the FIR. Hence, this **Criminal Application** is rejected.

(RAJESH S. PATIL, J.)

(RAVINDRA V. GHUGE, J.)