



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CRIMINAL APPLICATION NO. 606 OF 2024
(Sau. Hemlata Vasanta Poke & Anr. Vs. State of Maharashtra & Anr.)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.

Court's or Judge's orders.

Mr. S.V. Sirpurkar, Counsel for the applicants.
Ms R.V. Sharma, A.P.P. for non-applicant no.1/State.

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CORAM : ANIL L. PANSARE AND
M.M. NERLIKAR, JJ.
AUGUST 4, 2025

Heard.

2] The applicants – employers of the deceased have filed this application to quash and set aside chargesheet no. 65/2023 in First Information Report No. 121/2023 registered at the Police Station – Brahmanwada Thadi, District – Amravati, for the offence punishable under Section 306 read with Section 34 of the Indian Penal Code, 1860.

3] Applicant no.1 is Manager and applicant no.2 is the C.E.O. of the factory, where the sister of non-applicant no.2 was working.

4] Having heard both sides and having gone through the material placed before us, we find, from the contents of the First Information Report and the statement of the friend of the deceased, that non-applicant no.2's sister committed suicide because of the alleged harassment caused by the applicants.

5] It appears that the applicants had made certain comments on her character. It further appears that applicant no.2 had demanded sexual favour. It further appears that the applicants had terminated her services, and she joined another Company. It then appears that applicant no.1 had informed the subsequent employer that the deceased had stolen data from the Company and is a characterless lady, and accordingly suggested to not continue her in employment. These instances piled up in her mind and she decided to commit suicide.

6] It is unfortunate that a precious life is lost, however, it will be equally unfortunate to prosecute the applicants for the offence of abetting suicide. Neither the First Information Report nor the statement of the friend of the deceased show that the applicants, with an intent that the deceased should commit suicide, have caused such harassment.

7] What is further relevant is that on 17/12/2022, the applicants had terminated the services of the deceased. She approached the Labour Commissioner with a grievance of termination. The parties appeared before the Labour Commissioner and settled the dispute on 17/1/2023.

8] The learned Counsel for the applicants submits that certain amount was paid to the deceased. The suicide is committed on 12/3/2023. The learned Counsel is correct in contending that from December – 2022 till date of suicide, the applicants were not in contact with the deceased. Thus, immediate prior to the

incident, there is no harassment at the hands of the applicants to even argue the case of instigation.

9] The learned A.P.P. though made an attempt to justify filing chargesheet, however, she failed to firstly show, from the First Information Report or the statements recorded during investigation, that the applicants had created an atmosphere that compelled the deceased to commit suicide and secondly that during the period from December – 2022 till March – 2023, the applicants made any contact with the deceased.

10] At this stage, the learned Counsel for the applicants has invited our attention to the judgment of the Hon'ble Supreme Court in the case of *Nipun Aneja and Others Vs. State of Uttar Pradesh [2024 SCC OnLine SC 4091]*, wherein the Court held that for an act to constitute abetment of suicide, there must be direct or indirect act of incitement, instigation or aid that creates a situation, where the deceased pursues no other option but to commit suicide. The Court further held that merely humiliating or harassing the deceased, without evidence of active instigation or a clear intention to induce the act, does not suffice to establish abetment.

11] If the aforesaid principles of law are applied to the facts of the case, the offence is not made out. We are thus of the view that to continue prosecution will yield no useful result, rather will amount to abuse of process of law. This is a fit case, where extraordinary jurisdiction under Section 482 of the Code of Criminal Procedure, 1973, should be invoked.

12] Accordingly, we allow the application in terms of prayer Clause (1), which reads thus :

“1. Allow this application, quash and set aside Chargesheet No. 65/2023 filed on 12/06/23 in F.I.R. No. 121/2023 (Annexure – I) dated 13/03/2023, registered at Police Station, Brahmanwada-thadi, District-Amravati for offence punishable under Section 306R/w.34 of Indian Penal Code.”

13] The application is disposed of in above terms.

(JUDGE)

(JUDGE)

Sumit