



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION [APL] NO.543 OF 2020

1. Narendra Gunwantrao Deshmukh,
Aged about 63 years, Occ : Agriculturist.
2. Bhanudas s/o Gajanan Pawar,
Aged about 50 years, Occ : Agriculturist.
3. Kishor s/o Bhujangrao Deshmukh,
Aged about 41 years, Occ : Agriculturist.
(1 to 3 R/o. Post Mhaisang, Tq. Akot,
Dist. Akola) ..

Applicants

..Versus..

1. The State of Maharashtra,
Through P.S.O. P.S. Yeoda,
Tq. Daryapur, District-Amravati
Rural.
2. Ujwala wd/o Shashikant Mankar,
Aged 37 years, Occ : Household
R/o. Bhuikhed, Tq. Daryapur,
Dist. Amravati Rural. ..

Non-Applicants

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Shri Anil S. Mardikar, Senior Advocate assisted by Shri V.R.
Deshpande, Advocate for Applicants.
Shri Nikhil H. Joshi, Additional Public Prosecutor for Non-Applicant
No.1/State.
Shri R.J. Shinde, Advocate for Non-Applicant No.2.

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CORAM : ANIL S. KILOR AND
PRAVIN S. PATIL, JJ.

DATED : APRIL 08, 2025.

ORAL JUDGMENT [Per : Anil S. Kilor, J.]

1. **Rule.** Rule made returnable forthwith. By consent of the learned Counsel for the parties, the matter is taken up for final disposal.

2. The applicants, who are three in numbers, have approached to this Court by way of present application filed under Section 482 of the Code of Criminal Procedure with prayer for quashing and setting aside Chargesheet No.15/2025 dated 21.01.2025 arising out of Crime No.111/2020 registered with Police Station Yeoda, District-Amravati for the offence punishable under Section 306 read with Section 34 of the Indian Penal Code.

3. In brief, the case of the prosecution is that the wife of deceased Shashikant Ganeshrao Mankar lodged the report on 02.06.2020 alleging that due to continuous threats given by the applicants to the deceased to take forcible possession of the agricultural lands of the deceased, he committed suicide. It is stated in the complaint that the applicant no.1 is the money-lender and deceased used to take hand-loan from the applicant no.1. It is stated that in the year 2018, the husband of the informant was in need of money and,

therefore, he approached to the applicant no.1, who had shown willingness to give money to the deceased on a condition that the deceased had to execute nominal sale deeds of the agricultural fields. It is stated that thereafter the deceased came home and discussed with the informant and his brothers and since he was in dire need of money, he accepted the proposal and agreed to execute the nominal sale deeds.

4. The complaint further discloses that such sale deeds were executed by the deceased and against the same, he received Rs.6,80,000/- and Rs.6,10,000/- from the applicant no.1. It is alleged that despite the repayment of the said amount along with interest, the accused failed to reconvene the lands in favour of the deceased and started threatening the deceased to hand over possession of the lands in their favour. It is, therefore, alleged that he was continuously under the pressure of such threats and because of it, he committed suicide.

5. We have heard the learned counsel for the respective parties.

6. Shri Mardikar, learned Senior Counsel for the applicants, at the outset, submits that even if the allegations made in the FIR are taken on its face value as true, no offence constitute as the prerequisites namely, to instigate, to aid and abet to constitute the offence under

Section 306 of the Indian Penal Code are absent. It is further argued that both the sale deeds against which Rs.6,80,000/- and Rs.6,10,000/- was alleged to have received by the deceased, were not executed by the deceased, but it was executed by Vijay Ganeshrao Mankar and Pandurang Ganeshrao Mankar, the real brothers of the deceased respectively. He, therefore, submits that the allegation made in the report that the sale deeds were executed by the deceased is not correct and the sale deeds falsify such allegation.

7. He further pointed out that the sale deeds are not a nominal sale deeds, but the actual one. While substantiating his argument, he has pointed out mutation entry dated 09.08.2019. He accordingly prays for quashing of First Information Report, as no offence constitute, as alleged.

8. On the other hand, the learned Additional Public Prosecutor for non-applicant no.1/State and the learned counsel for non-applicant no.2 strongly opposed the application.

9. Learned Additional Public Prosecutor submits that in the report there is a specific allegation that despite the amount of loan was repaid back to the applicant no.1, the demand for further money was

continued by the applicants and then, they started to threaten the deceased to take forcible possession of the land. It is submitted that these allegations are sufficient to constitute the offence. He, therefore, prays that this court may not quash the chargesheet.

10. Learned counsel for non-applicant no.2 reiterates the submission made by the learned Additional Public Prosecutor and prays for dismissal of the present application.

11. We have perused the chargesheet and the allegations made in the First Information Report. However, before adverting to the facts of the present case, it would be beneficial to reiterate the law as regards the abetment, as defined under Section 107 of the Indian Penal Code.

12. The Hon'ble Supreme Court of India in the case of ***Arnab Manoranjan Goswami .vs. The State of Maharashtra and others, reported in 2021 (2) SCC 427***, has held thus :

*“50. More recently in ***M Arjunan vs State*** (represented by its Inspector of Police), a two judge Bench of this Court, speaking through Justice R. Banumathi, elucidated the essential ingredients of the offence under **Section 306** of the IPC in the following observations:*

*“7. The essential ingredients of the offence under **Section 306** IPC are: (i) the abetment; (ii) the intention of the accused to aid or instigate or abet the deceased to commit suicide. The act of the accused, however, insulting the deceased by using abusive language will not, by itself, constitute the abetment of suicide. There*

should be evidence capable of suggesting that the accused intended by such act to instigate the deceased to commit suicide. Unless the ingredients of instigation/abetment to commit suicide are satisfied the accused cannot be convicted under [Section 306 IPC](#).”

51. Similarly, in another recent judgment of this Court in [Ude Singh and Ors. vs State of Haryana](#), a two judge Bench of this Court, speaking through Justice Dinesh Maheshwari, expounded on the ingredients of [Section 306](#) of the IPC, and the factors to be considered in determining whether a case falls within the ken of the aforesaid provision, in the following terms:

“38. 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.

39. 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 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.

Similarly, in [Rajesh vs State of Haryana](#), a two judge Bench of this Court, speaking through Justice L. Nageswara Rao, held as follows:

“9. Conviction under [Section 306 IPC](#) is not sustainable 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. In order to bring a case within the purview of [Section 306 IPC](#), there must be a case of suicide and in the commission of the said offence, the person who is said to have abetted the commission of suicide must have played an active role by an act of instigation or by doing certain act to facilitate the commission of suicide. Therefore, the act of abetment by the person charged with the said offence must be proved and established by the prosecution before he could be convicted under [Section 306 IPC](#).

In a recent decision of this Court in [Gurcharan Singh vs State of Punjab](#), a three judge Bench of this Court, speaking through Justice Hrishikesh Roy, held thus:

“15. As in all crimes, mens rea has to be established. To prove the offence of abetment, as specified under Sec

107 of the IPC, the state of mind to commit a particular crime must be visible, to determine the culpability. In order to prove mens rea, there has to be something on record to establish or show that the appellant herein had a guilty mind and in furtherance of that state of mind, abetted the suicide of the deceased.

54. In Narayan Malhari Thorat vs Vinayak Deorao Bhagat, this Court, speaking through Justice U.U. Lalit, reversed the judgment of a Division Bench of the High Court which had quashed criminal proceedings in exercise of the jurisdiction under Section 482. This was a case where the FIR was registered pursuant to the information received from the appellant. The FIR stated that the son and daughter-in-law of the appellant were teachers in Zila Parishad School. The respondent used to call the daughter-in-law of the appellant on the phone and used to harass her. Moreover, despite the efforts of the son of the appellant, the respondent did not desist from doing so.

13. From the above referred observations, it is evident that the essential ingredients of the offence punishable under Section 306 of the Indian Penal Code are to aid or instigate or abet the deceased to commit the suicide. It is further evident that there has to be a clear *mens rea* to commit the offence and it further requires positive act or direct act which led the deceased to commit suicide seeing no option and that act must have been intended to push the deceased into a such situation that he committed suicide.

14. In light of the above referred well settled principles of law, if the facts of the present case are considered, it is evident from the report and the material collected by the investigating officer during the

investigation that it is the case of the prosecution that the deceased requested for hand-loan from the applicant no.1, who is the money-lender. It has further come in the first information report that such request for lending money by the applicant no.1 was accepted on a condition that the deceased would execute sale deeds in favour of the applicant no.1. It is further stated in the report that the deceased accordingly executed the sale deeds in favour of the applicants by accepting Rs.6,80,000/- and Rs.6,10,000/-. However, the sale deeds collected during the investigation show that the sale deed which was executed after receiving Rs.6,10,000/- from the applicant no.1 was executed by Vijay Ganeshrao Mankar and another sale deed which was executed after receiving Rs.6,80,000/- was executed by Pandurang Ganeshrao Mankar in favour of applicant no.1. So, none of the sale deed was executed by the deceased, as alleged in the first information report.

15. Thus, it appears that the lands in relation to which the threats were given by the applicants to take forcible possession were not owned by the deceased, but from the sale deeds, it is evident that the lands were owned by his real brothers. This fact further fortified by the mutation entry dated 09.08.2019, which was recorded in the name

of applicant no.1.

16. Thus, it is evident that the allegation, as regards the threats of taking possession of the lands by the applicants cannot be *prima facie* established.

17. Furthermore, there are no specific allegations in the report as regards any positive act or intention of the applicants to instigate the deceased to commit suicide or to aid the deceased to commit suicide.

18. In the circumstances, we are of the opinion that no offence constitutes under Section 306 of the Indian Penal Code. Accordingly, the application is **allowed**.

19. The Chargesheet No.15/2025 dated 21.01.2025 arising out of Crime No.111/2020 registered with Police Station Yeoda, District-Amravati for offence punishable under Section 306 read with Section 34 of the Indian Penal Code, is hereby quashed and set aside.

20. Rule is made absolute in above terms.

(Pravin S. Patil, J.)

(Anil S. Kilor, J.)