



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

CRIMINAL REVISION APPLICATION NO. 84 OF 2025

(Shivsajan Rajaram Kanhekar and anr Vs. State of Maharashtra and anr)

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

Court's or Judge's orders

Mr. A.S. Mnohar, Advocate for applicants.
Mr. H.D. Marathe, APP for non-applicant No.1/State.
Mr. Vedant Pandey, Advocate for non-applicant No.2.

CORAM : RAJNISH R. VYAS, JJ.

DATED : 09-10-2025.

Challenge in this Revision Application is to the order dated 24.03.2025, passed by learned Sessions Judge, Bhandara thereby rejecting the discharge application preferred by the accused /applicants.

2. I have heard learned respective counsels and gone through the record also.

3. Criminal law was set in motion on the basis of First Information Report (FIR) lodged for commission of offence punishable under Section 306 read with Section 34 of the Indian Penal Code (IPC), registered against the present applicants on 24.5.2023.

4. In short, it is the case of complainant Sachin Panchabuddhey that his brother Sheshrao was working at Archana Petrol Pump, Gadegaon, as a Manager, who left the job in the month of March 2023. According to him, the accused persons/present applicants were insisting Sheshrao to come back to continue with the job at petrol pump, which offer was refused by the deceased. It was the applicant No. 2, who was running petrol pump. Applicant No. 1 is husband of applicant No. 2. According to FIR, the accused persons were harassing the deceased. It is the case of prosecution that on

20.5.2023, the applicants raised quarrel and also made allegations regarding defalcation of amount by the deceased. On 21.5.2023, after quarrel, deceased went home and consumed the poison. Unfortunately, deceased succumbed to injuries on 24.5.2023 and accordingly, the FIR as stated above came to be lodged, which culminated in filing of final report/chargesheet.

4. I have gone through the Chargesheet, so also, the order passed by the trial Court rejecting the discharge application. Page 62 is the statement of deceased Sheshrao in which the deceased has stated that on 21.5.2023, since there was a quarrel earlier, he under fit of anger, went to the field and consumed the poison. The other statements which are part of the chargesheet only shows that there was quarrel/dispute between the applicants and the deceased. It is well settled that for registration of offence punishable under Section 306 of IPC, the prosecution is required to prove that there was abetment at the instance of the applicants/accused. Apart from it, there has to be proof of direct or indirect harassment. In the instant case, quarrel took place on 20.5.2023 and poison was consumed on 21.5.2023. So, it is crystal clear that there is no proximity between alleged act of harassment and commission of suicide. Apart from it, perusal of record shows that there is absolutely nothing to arrive at conclusion that at any point of time, the applicants abetted to commit suicide.

The Hon'ble Apex Court in case of ***Mahendra Awase Vs. State of Madhya Pradesh, (2025)4 SCC 801***, more particularly, in paragraphs 16,22 and 23, has observed as under:

“16. 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](#).

22. It could certainly not be said that the appellant by his acts created circumstances which left the deceased with no other option except to commit suicide. Viewed from the armchair of the appellant, the exchanges with the deceased, albeit heated, are not with intent to leave the deceased with no other option but to commit suicide. This is the conclusion we draw taking a realistic approach, keeping the context and the situation in mind. Strangely, the FIR has also been lodged after a delay of two months and twenty days.

23. This Court has, over the last several decades, repeatedly reiterated the higher threshold, mandated by law for [Section 306 IPC](#) [Now [Section 108](#) read with [Section 45](#) of the Bharatiya Nyaya Sanhita, 2023] to be attracted. They however seem to have followed more in the breach. [Section 306 IPC](#) appears to be casually and too readily resorted to by the police. While the persons involved in genuine cases where the threshold is met should not be spared, the provision should not be deployed against individuals, only to assuage the immediate feelings of the distraught family of the deceased.”

Considering the law laid down by the Hon’ble Apex Court, so also, material brought on record, it is crystal clear that ingredients of offence registered, are not made out.

5. In view of the above discussion, the order passed by learned Session Judge, Bhandara in Sessions Trial No. 82/2023, dated 24.3.2025 is set aside. The applicants are discharged from prosecution initiated in pursuance with FIR No. 196/2023, for commission of offence punishable under Sections 306 and 34 of the IPC. The application is allowed and disposed of accordingly.

(RAJNISH R. VYAS, J)