



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

CRIMINAL APPLICATION (APL) NO.597 OF 2019

APPLICANT(S) : 1) Gautam Wasudeo Jambhule
Aged 56 yrs. Occ. Service,
R/o. Plot No.7, Flat No.401, Shravasti
Apptt., Chandranagar,
P.O. Bhagwan Nagar, Nagpur-440027.

..VERSUS..

NON-APPLICANT(S) : 1) The State of Maharashtra
Through PSO, Wadner P.S. Tal. :
Hinganghat, Dt. Wardha (M.S.)
2) Shri Vijay Pawar,
Naib Tahsildar, Hinganghat,
Distt. Wardha (M.S.)

Mr. S.V. Sirpurkar, Advocate for Applicant/s.
Mr. Sagar Ashirgade, Addl.P.P. for the non-applicant/State

CORAM : **ANIL S. KILOR AND VRUSHALI V. JOSHI, JJ.**

DATE : **23.06.2025**

ORAL JUDGMENT : (Per : Anil S. Kilor, J.)

1. Heard.

2. **Rule.** The Rule is made returnable forthwith. Heard finally by consent of learned counsel for the respective parties.

None appears for the non-applicant No.2, through served.

3. This is an application filed under Section 482 of the

CrPC for quashing and setting aside the First Information Report (FIR) No.194 of 2019 dated 11.06.2019, registered with Police Station Wadner, Tah: Hinganghat, District : Wardha, for the offence punishable under Section 306 of the IPC.

4. On a suicide committed by the deceased on the ground that the present applicant, who is the Manager of the Bank of India, did not grant any waiver and on this allegation, the offence came to be registered as FIR No.194 of 2019.

5. The Hon'ble Supreme Court of India in the case of *Arnab Manoranjan Goswami v. State of Maharashtra and others*.¹, has held thus :

“50. More recently in M Arjunan v. State (represented by its Inspector of Police) (2019) 3 SCC 315, 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

¹ AIR 2021 SC 1

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. v. State of Haryana AIR 2019 SC 4570, 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 v. State of Haryana AIR 2019 SC 478, 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 v. State of Punjab AIR OnLine 2020 SC 759, 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.”

6. In view of the law laid down by the Hon’ble Supreme Court in the above mentioned judgment on the point of abetment of suicide, the prerequisites to constitute the offence under Section 306 of the IPC are; there shall be instigation or aiding or abetment to the deceased, to commit suicide.

7. In the present matter, as it is evident from the evidence collected during the investigation, which is made available by the Investigating Officer, who is personally present in the Court and also from the contents of the FIR that there is no material to show and establish that there was any instigation by the applicant or aiding or abetment for commission of suicide by the deceased. Furthermore, there are no allegations

of any such intention or motive of the applicant.

8. In the circumstances, as no offence constitutes as alleged against the present applicant, though the learned Addl.P.P. has strongly opposed the application, we are of the opinion that in light of the above referred observations, if the applicant is compelled to face the trial, it would amount to an abuse of process of law. Accordingly, we pass the following order:

- (i) The application is **allowed**.
- (ii) The First Information Report (FIR) No.194 of 2019 dated 11.06.2019, registered with Police Station Wadner, Tah: Hinganghat, District : Wardha, for the offence punishable under Section 306 of the IPC, is hereby quashed and set aside against the present applicant only.

Rule accordingly.

(VRUSHALI V. JOSHI, J.)

(ANIL S. KILOR, J.)