



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

CRIMINAL APPLICATION (APL) NO. 1531 OF 2023

[Jaya S/o Mohan Sarve **vs.** State of Maharashtra, through
P.S.O., P.S. Hingana, Nagpur 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. V. S. Sambre, Advocate instructed by Mr. R. R. Vyas, Advocate for
the applicant
Ms. Shamsi Haider, APP for the State/non-applicant no. 1
Mr. K. N. Jain, Advocate for non-applicant no. 2

CORAM: ANIL L. PANSARE AND
M. M. NERLIKAR, JJ.

DATED : 29-07-2025.

Heard.

2. The applicant – wife is before the Court seeking to quash the First Information Report (FIR) lodged against her by the brother of her husband vide Crime No. 401/2023 for the offences punishable under Sections 306 and 506 of the Indian Penal Code (IPC).

3. The applicant's husband has committed suicide sometimes in October, 2022. The FIR and investigation conducted till now, which includes recovery of suicide note, indicates that because of the harassment caused by the applicant, the husband decided to commit suicide. The harassment as spelt out in the suicide note is that applicant was repeatedly threatening the deceased of leaving house and had once made an attempt to cut vein of her hand. The suicide note further indicate that on 12-10-2022, the applicant made an attempt to flee away. The applicant's father was then called at house. Because of such behaviour of the applicant, her husband felt that his parents are also suffering and, therefore,

decided to commit suicide.

4. Put altogether, this is a case of committing suicide because of harassment allegedly caused by the applicant. It is well settled that to attract the ingredients of Section 306 of IPC, what is most crucial is instigating a person to commit suicide. Thus there has to be positive act on the part of the accused to instigate or aid the person to commit suicide. The *mens rea* should be spelt out in clear terms. In other words, there has to be direct act or indirect act committed by accused which led the deceased to commit suicide seeing no other option and that such act must be intended to put the deceased into such a position that he would be left with no other option but to commit suicide.

5. Such ingredients, in our view, are absent in the present case. It is unfortunate that a precious life is lost but then, the applicant cannot be blamed to have instigated for such act. There is nothing on record to show that the motive behind alleged harassment was to compel applicant's husband to commit suicide. That being so, continuation of investigation will yield no useful result rather the process of investigation and filing charge-sheet will amount to abuse of process of law. The application is accordingly allowed in terms of prayer clause (2) which reads as under :-

“2. Upon perusal of same quash and set aside First Information Report No. 401/2023 dated 14/07/2023 registered with Non Applicant No. 1, Hingana Police Station, Nagpur city, for commission of offences punishable under section 306, 506 of Indian Penal Code, in the interest of justice.”

(M. M. NERLIKAR, J.)

(ANIL L. PANSARE, J.)