



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

CRIMINAL APPLICATION [APL] NO.1739 OF 2024

[Avinash s/o Gulabrao Mardikar .vs. State of Maharashtra and one]

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

Court's or Judge's orders

Shri S.Y. Deopujari, Advocate for Applicant.
Shri N.H. Joshi, APP for Non-Applicant No.1/State.
Shri Amol Hunge, Advocate (Appointed) for Non-Applicant No.2.
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CORAM : ANIL S. KILOR AND
PRAVIN S. PATIL, JJ.

DATE : MAY 06, 2025.

P.C.

1. This is an application filed under Section 482 of the Code of Criminal Procedure for quashing of Chargesheet No.28/2024 dated 14.10.2024 in First Information Report No.0163/2024 dated 18.07.2024 registered at Police Station, Badnera, District-Amravati for the offence punishable under Sections 108 and 3 (5) of the Bharatiya Nagarik Suraksha Sanhita (BNSS) 2023.

2. It is the case of the prosecution that because of harassment by the applicant, the deceased committed suicide and for this purpose a heavy reliance has been placed on suicide note.

3. On going through the suicide note, it is evident that if only states that for the death of deceased, the applicant and co-accused are responsible.

4. Thus, suicide note is not sufficient to satisfy any of the ingredients required for the constitution of offence, as alleged.

5. We therefore perused the statement of the son of the deceased, who is the complainant in the present matter. In the said complaint, he only states about the mental condition of the deceased and according to him, he was under stress. From the complaint also, it is difficult to say that there was any instigation or aiding or abetment by the applicant in commission of suicide by the deceased.

6. Thus, in view of the judgment of the Hon'ble Supreme Court of India in the case of *Arnab Manoranjan Goswami .vs. The State of Maharashtra and others*, reported in *AIR 2021 SC 1* and as the law laid down by the Hon'ble Supreme Court of India in the said judgment, we are of the opinion that in absence of pre-requisites to constitute offence as alleged, the applicant cannot be compelled to face the trial.

7. Learned APP and learned counsel for non-applicant no.2 strongly opposed the application and submits that there was harassment at the hands of the applicant and co-accused which resulted in commission of suicide by the deceased. The said argument cannot be accepted for the reason as recorded hereinabove. Accordingly, we proceed to pass the following order :

ORDER

- (i) Criminal Application is allowed.

(ii) The Chargesheet No.28/2024 dated 14.10.2024 in First Information Report No.0163/2024 dated 18.07.2024 registered at Police Station, Badnera, District-Amravati for the offence punishable under Sections 108 and 3 (5) of the Bharatiya Nagarik Suraksha Sanhita (BNSS) 2023, is hereby quashed and set aside.

8. Fees of the learned counsel appointed on behalf of the non-applicant no.2 be paid as per the Rules.

9. Application stands disposed of accordingly.

(PRAVIN S. PATIL, J.)

(ANIL S. KILOR, J.)