



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

CRIMINAL APPLICATION (APL) NO.1376 OF 2019

APPLICANT(S) : 1) Nilesh s/o Dinkar Kale,
Aged about 30 years, Occ- Agriculturist,
2) Vanmala w/o Dinkar Kale,
Aged about 50 years, Occ.: Household,
3) Jagdish s/o Wasudeo Kale,
Aged about 45 years, Occ.: Agriculturist,
4) Nilesh s/o Pralhad Gorte,
Aged about 30 years, Occ.: Agriculturist,
All R/o. Sayat, Tq. Bhatkuli, Dist.
Amravati.

..VERSUS..

NON-APPLICANT(S) : 1) State of Maharashtra,
through Police Station Officer, Police
Station, Bhatkuli, Tq. Bhatkuli, District
Amravati.
2) Raju s/o Devpuri Puri,
Aged about 50 years, R/o Jairam Nagar,
Near Shankar Nagar, Amravati, Tq. &
Dist. Amravati.

Mr. P.R. Agrawal, Advocate for Applicant/s.
Mr. Sachin Narale, Addl. PP for the non-applicant No.1/State

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

DATE : 10.06.2025

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 for the non-applicant No.2, though served.

3. This is an application filed under Section 482 of the CrPC for quashing and setting aside the proceeding namely Sessions Case No.173 of 2020, pending on the file of learned District Judge-1 and Additional Sessions Judge, Amravati, arising out of the First Information Report (FIR) No.248 of 2019 dated 17.12.2019, registered with Police Station Bhatkuli, Tq. Bhatkuli, Dist. Amravati, for the offence punishable under Section 306 and read with Section 34 of the IPC.

4. The allegations against the applicants are that after the death of Lakhan Dinkarrao Kale, who committed suicide by consuming poison, the wife of the present complainant i.e. the deceased was arrested in the said offence and later on she was released. The complaint itself speaks about her mental condition after she was released and that was the reason why the complainant sent her to the paternal house of the deceased for few months. It is further stated that even after coming back,

she was not normal and she was in depression.

5. If, in light of these facts, the so-called suicide note, which was recovered from the money purse of the deceased, was taken into consideration, it would not be sufficient to attract the offence punishable under Section 306 of the IPC.

6. The law as regards an abetment to suicide is well settled and the pre-requisites to constitute the offence punishable under Section 306 of the IPC are, to instigate, to aid or to abet to commit suicide and further it is also a requirement that there shall be an intention or motive.

7. In the present matter, even if the complaint is taken on its face value, we have no hesitation to hold that no pre-requisites are present to constitute the offence punishable under Section 306 of the IPC. The complaint itself discloses the mental condition of the deceased before commission of suicide.

8. In that view of the matter, as no offence constitutes under Section 306 of the IPC, we are of the opinion that if the applicants are forced to face a trial, it would amount to abuse of process of law and therefore, we are of the considered view that

this is a fit case for quashing and setting aside the proceeding against the applicants. In the circumstances, though the learned APP strongly opposed the application, we pass the following order:

- (i) The application is **allowed**.
- (ii) The proceeding, namely Sessions Case No.173 of 2020, pending on the file of learned District Judge-1 and Additional Sessions Judge, Amravati, arising out of the First Information Report (FIR) No.248 of 2019 dated 17.12.2019, registered with Police Station Bhatkuli, Tq. Bhatkuli, Dist. Amravati, for the offence punishable under Section 306 and read with Section 34 of the IPC, is hereby quashed and set aside, against the present applicants.

Rule accordingly.

(PRAVIN S. PATIL, J.)

(ANIL S. KILOR, J.)