



IN THE HIGH COURT OF JUDICATURE AT BOMBAY

NAGPUR BENCH, NAGPUR

CRIMINAL APPLICATION (APL)NO.1051/2024

Pravin S/o Ramdhan Solanke,
Aged about 31 years,
Occupation: Nil,
R/o. At Post Shirpur Jain, Tah.
Malegaon, District - Washim.

... APPLICANT

...VERSUS...

1. The State of Maharashtra,
Through Police Station Officer,
Police Station Buldhana (City)
Tah. and Distt. Buldhana.
2. Ramdas S/o Balaji Shingne,
Aged about 66 years,
Occupation: Retired,
R/o.Aras Layout, Buldhana, Tah.
and District - Buldhana.

...NON-APPLICANTS

Shri R.N. Ghuge, Advocate for applicant
Shri N.H. Joshi, APP for non-applicant No.1/State

CORAM : URMILA JOSHI-PHALKE AND
NANDESH S. DESHPANDE, JJ.

RESERVED ON : 24.11.2025
PRONOUNCED ON : 02.12.2025

JUDGMENT (PER : NANDESH S. DESHPANDE, J.)

Heard. **Admit.** Heard finally with the consent of learned Counsel for both the parties.

2. This is an application seeking to quash the First Information Report No. 0109/2017 dated 12.03.2017, registered by the non-applicant No. 1 Police Station Buldhana(City), Buldhana, and further charge-sheet bearing No. 95/2017, for the offences punishable under Sections 306, 354 read with Section 34 of the Indian Penal Code and Section 4 of the Maharashtra Prohibition of Ragging Act, 1999, as also, Sessions Case No. 56 of 2017, pending on the file of 8th Adhoc District Judge -1 and Additional Sessions Judge, Buldhana, for the above said offences.

3. As per the contentions of the First Information Report which is lodged by one Ramdas Balaji Shingne, who is the father of the deceased, the said deceased namely Bhagyashree was studying in college and was attending the college from 10:30 to 6:00 p.m. daily. On Sunday i.e. on 12.03.2017, when the said daughter did not turn

up for taking lunch till the afternoon, the complainant i.e. her father went to the room and found that it was locked from inside. Since there was no response, the door was broken and first informant saw the victim/daughter had committed suicide by hanging herself from the ceiling. Subsequently, it was found that there was suicide note near the chair, which clearly indicated that she was subjected to outraging of modesty by the accused persons including the present applicant, which was the reason for committing suicide. Upon receiving the said information, the Investigating Agency lodged the First Information Report, and consequently, after completion of the investigation charge-sheet came to be filed. It is this First Information Report and the consequent charge-sheet which is challenged in the present application.

4. We have heard Shri R.N. Ghuge, learned Counsel for the applicant, as also, Shri N.H. Joshi, learned Additional Public Prosecutor for the non-applicant No.1/State.

5. Shri R.N. Ghuge, learned Counsel for the applicant submits

that except naming the present applicant along with the other co-accused/students, no specific role has been attributed which is in close proximity of the occurrence of this said incident. He further states that there is no positive or overt act attributed to the present applicant, and therefore, the applicant cannot be said to have instigated or aided or abetted the said crime. It is his submission that in view of the settled law in the matter of abetement of suicide, no offence, much less, for abetting the suicide, is made out, and therefore, he prays for quashing of the First Information Report, and the consequent charge-sheet.

6. Per contra, learned Additional Public Prosecutor submits that during the course of investigation, the Investigating Agency has recorded statements of informant and other witnesses and the spot panchanama was also conducted. He further submits that the suicide note written by victim was seized and certain other documents were also seized under panchnama, which transpires that offences under the Maharashtra Prohibition of Ragging Act, as also, the Indian Penal Code are squarely made out. He, therefore, prays for dismissal of the application.

7. In the backdrop of these facts, we have appreciated the material on record. As can be seen from the First Information Report in question, the offences complained of are under Sections 306, 354 read with Section 34 of the Indian Penal Code and Section 4 of the Maharashtra Prohibition of Ragging Act. As far as Section 306 of the Indian Penal Code is concerned, the learned Counsel for the applicant placed reliance on following citations :

1. *Sanju Alias Sanjay Singh Sengar Vs. State of M.P., (2002) 5 SCC 371*
2. *Prabhat Kumar Mishra Alias Prabhat Mishra Vs. State of Uttar Pradesh and another, (2024) 3 SCC 665*
3. *Dilip S/o Ramrao Shirasao and others Vs. State of Maharashtra and another, 2016 All MR (Cri) 4328*
4. *Meenabai Deepak Mahale and others Vs. State of Maharashtra and another, 2024 All MR (Cri) 1720*
5. *Akshay S/o Vikas Patil and another Vs. State of Maharashtra and another, Cri. Writ Petition No.750/2019*
6. *M. Arjunan Vs. State Represented by its Inspector of Police, (2019) 3 S.C.C. 315*

7. *Mohit Singhal and another Vs. State of Uttarakhand and others, (2024)1 SCC 417*

8. We have perused the above said judgments which are submitted by the learned Counsel for the applicant. The proposition in the said judgments cannot be disputed. It is a settled principle of law, as has been stated by the recent judgment of the Hon'ble Apex Court, reported in, ***Prabhat Kumar Mishra Alias Prabhat Mishra Vs. State of Uttar Pradesh and another, (2024) 3 SCC 665***, it would be suffice to reproduce the relevant observations in the said judgments:

"20. In M.Mohan v. State, this Court held as below : (SCC pp. 636-39 & 642-45, paras 36-49, 62, 65 & 68)

"36. We would like to deal with the concept of "abetment". Section 306 of the Code deals with "abetment of suicide" which reads as under:

306. Abetment of suicide. - *If any person commits suicide, whoever abets the commission of such suicide, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine."*

37. The word "suicide" in itself is nowhere defined in the Penal Code, however, its meaning and import is well known and requires no explanation. "Sui" means

"self" and "cide" means "killing", thus implying an act of self-killing. In short, a person committing suicide must commit it by himself, irrespective of the means employed by him in achieving his object of killing himself.

38. In our country, while suicide itself is not an offence considering that the successful offender is beyond the reach of law, attempt to suicide is an offence under Section 309 IPC.

39. "Abetment of a thing" has been defined under Section 107 of the Code. We deem it appropriate to reproduce Section 107, which reads as under:

***107. Abetment of a thing.** - A person abets the doing of a thing, who-*

First - Instigates any person to do that thing; or

Secondly - Engages with one or more other person or persons in any conspiracy for the doing of that thing, if an act or illegal omission takes place in pursuance of that conspiracy, and in order to the doing of that thing; or

Thirdly. - Intentionally aids, by any act or illegal omission, the doing of that thing.

Explanation 2 which has been inserted along with Section 107 reads as under:

Explanation 2 - Whoever, either prior to or at the time of the commission of an act, does anything in order to facilitate the commission of that act, and thereby facilitates the commission thereof, is said to aid the doing of that act."

40. The learned counsel also placed reliance on yet another judgment of this Court in Ramesh Kumar v. State of Chhattisgarh, in which a three-Judge Bench of this Court had an occasion to deal with the case of a

similar nature. In a dispute between the husband and wife, the appellant husband uttered "you are free to do whatever you wish and go wherever you like". Thereafter, the wife of the appellant Ramesh Kumar, committed suicide.

41. This Court in para 20 of Ramesh Kumar has examined different shades of the meaning of "instigation". Para 20 reads as under: (SCC p. 629)

20. Instigation is to goad, urge forward, provoke, incite or encourage to do "an act". To satisfy the requirement of instigation though it is not necessary that actual words must be used to that effect or what constitutes instigation must necessarily and specifically be suggestive of the consequence. Yet a reasonable certainty to incite the consequence must be capable of being spelt out. The present one is not a case where the accused had by his acts or omission or by a continued course of conduct created such circumstances that the deceased was left with no other option except to commit suicide in which case an instigation may have been inferred. A word uttered in the fit of anger or emotion without intending the consequences to actually follow cannot be said to be instigation.

In the said case this Court came to the conclusion that there is no evidence and material available on record where from an inference of the appellant-accused having abetted commission of suicide by Seema (the appellant's wife therein) may necessarily be drawn.

42. In State of W.B. v. Orilal Jaiswal, this Court has cautioned that (SCC p. 90, para 17) the Court should be extremely careful in assessing the facts and circumstances of each case and the evidence adduced in the trial for the purpose of finding whether the cruelty meted out to the victim had, in fact, induced her to end

her life by committing suicide. If it appears to the Court that a victim committing suicide was hypersensitive to ordinary petulance, discord and difference in domestic life, quite common to the society, to which the victim belonged and such petulance, discord and difference were not expected to induce a similarly circumstanced individual in a given society to commit suicide, the conscience of the Court should not be satisfied for basing a finding that the accused charged of abetting the offence of suicide should be found guilty.

43. This Court in Chitresh Kumar Chopra v. State (NCT of Delhi) had an occasion to deal with this aspect of abetment. The Court dealt with the dictionary meaning of the word "instigation" and "goading". The Court opined that there should be intention to provoke, incite or encourage the doing of an act by the latter. Each person's suicidality pattern is different from the others. Each person has his own idea of self-esteem and self-respect. Therefore, it is impossible to lay down any straitjacket formula in dealing with such cases. Each case has to be decided on the basis of its own facts and circumstances.

44. Abetment involves a mental process of instigating a person or intentionally aiding a person in doing of a thing. Without a positive act on the part of the accused to instigate or aid in committing suicide, conviction cannot be sustained.

45. The intention of the legislature and the ratio of the cases decided by this Court are clear that in order to convict a person under Section 306 IPC there has to be a clear mens rea to commit the offence. It also requires an active act or direct act which led the deceased to commit suicide seeing no option and this act

must have been intended to push the deceased into such a position that he/she committed suicide.

46. In V.P. Shrivastava v. Indian Explosives Ltd. this Court has held that when prima facie no case is made out against the accused, then the High Court ought to have exercised the jurisdiction under Section 482 CrPC and quashed the complaint.

47. In a recent judgment of this Court in Madan Mohan Singh v. State of Gujarat, this Court quashed the conviction under Section 306 IPC on the ground that the allegations were irrelevant and baseless and observed that the High Court was in error in not quashing the proceedings.

48. In the Instant case, what to talk of instances of instigation, there are even no allegations against the appellants. There is also no proximate link between the incident of 14-1-2005 when the deceased was denied permission to use the Qualis car with the factum of suicide which had taken place on 18-1-2005. Undoubtedly, the deceased had died because of hanging. The deceased was undoubtedly hypersensitive to ordinary petulance, discord and differences which happen in our day-to-day life. In a joint family, instances of this kind are not very uncommon. Human sensitivity of each individual differs from person to person. Each individual has his own idea of self-esteem and self-respect. Different people behave differently in the same situation. It is unfortunate that such an episode of suicide had taken place in the family. But the question that remains to be answered is whether the appellants can be connected with that unfortunate incident in any manner?

49. On a careful perusal of the entire material on record and the law, which has been declared by this

Court, we can safely arrive at the conclusion that the appellants are not even remotely connected with the offence under Section 306 IPC. It may be relevant to mention that criminal proceedings against the husband of the deceased Anandraj (A-1) and Easwari (A-3) are pending adjudication.

62. In State of Haryana v. Bhajan Lal, the Court in the backdrop of interpretation of various relevant provisions of the Code of Criminal Procedure under Chapter XIV and of the principles of law enunciated by this Court in a series of decisions relating to the exercise of the extraordinary power under Article 226 of the Constitution of India or the inherent powers under Section 482 CrPC, gave the following categories of cases by way of illustration wherein such power could be exercised either to prevent abuse of the process of the court or otherwise to secure the ends of justice. Thus, this Court made it clear that it may not be possible to lay down any precise, clearly defined and sufficiently channelized and inflexible guidelines or rigid formulae and to give an exhaustive list to myriad kinds of cases wherein such power should be exercised: (SCC pp. 378-79, para 102)

102. (1) Where the allegations made in the first information report or the complaint, even if they are taken at their face value and accepted in their entirety do not prima facie constitute any offence or make out a case against the accused.

(2) Where the allegations in the first information report and other materials, if any, accompanying the FIR do not disclose a cognizable offence, justifying an investigation by police officers under Section 156(1) of the Code except under an order of a Magistrate within the purview of Section 155(2) of

the Code.

(3) Where the uncontroverted allegations made in the FTR or complaint and the evidence collected in support of the same do not disclose the commission of any offence and make out a case against the accused.

(4) Where, the allegations in the FIR do not constitute a cognizable offence but constitute only a non-cognizable offence, no investigation is permitted by a police officer without an order of a Magistrate as contemplated under Section 155(2) of the Code.

(5) Where the allegations made in the FIR or complaint are so absurd and inherently improbable on the basis of which no prudent person can ever reach a just conclusion that there is sufficient ground for proceeding against the accused.

(6) Where there is an express legal bar engrafted in any of the provisions of the Code or the Act concerned (under which a criminal proceeding is instituted) to the institution and continuance of the proceedings and/or where there is a specific provision in the Code or the Act concerned, providing efficacious redress for the grievance of the aggrieved party.

(7) Where a criminal proceeding is manifestly attended with mala fide and/or where the proceeding is maliciously instituted with an ulterior motive for wreaking vengeance on the accused and with a view to spite him due to private and personal grudge."

65. This Court in Zandu Pharmaceutical Works Ltd. v. Mohd. Sharaful Haque observed thus: (SCC p. 128, para 8)

'8. ... It would be an abuse of process of the court to allow any action which would result in injustice and prevent promotion of justice. In exercise of the

powers, court would be justified to quash any proceeding if it finds that initiation/continuance of it amounts to abuse of the process of court or quashing of these proceedings would otherwise serve the ends of justice. When no offence is disclosed by the complaint, the court may examine the question of fact. When a complaint is sought to be quashed, it is permissible to look into the materials to assess what the complainant has alleged and whether any offence is made out even if the allegations are accepted in toto.'

68. In the light of the settled legal position, in our considered opinion, the High Court was not justified in rejecting the petition filed by the appellants under Section 482 CrPC for quashing the charges under Section 306 IPC against them. The High Court ought to have quashed the proceedings so that the appellants who were not remotely connected with the offence under Section 306 IPC should not have been compelled to face the rigmaroles of a criminal trial. As a result, the charges under Section 306 IPC against the appellants are quashed."

9. Furthermore, the same view has been taken by the by these Court in judgment reported in ***2016 All MR (Cri) 4328, Dilip S/o Ramrao Shirasao and others Vs. State of Maharashtra and another***, and subsequently in ***Meenabai Deepak Mahale and others Vs. State of Maharashtra and another, 2024 All MR (Cri) 1720*** .

10. In all these judgments after a detailed analysis of the case

laws on record, this Court stated that there should be a very proximate cause which would leave the deceased with no other alternative but to commit suicide.

11. In the present case, if we peruse the First Information Report in question, except naming the accused along with some other classmates, there is nothing to show that the deceased was left with no alternative but to commit suicide. Furthermore, there are no allegations in the First Information Report, nor there is any material on record to show that deceased Bhagyashree was molested as contemplated under Section 354 of the Indian Penal Code.

12. In that view of the matter we are of the opinion that offences under Section 306 and 354 of the Indian Penal Code, cannot be made out against the accused.

13. The Maharashtra Prohibition of Ragging Act was enacted with an object to prohibit ragging in the educational institutions in the Maharashtra and it received the assent of the Governor on 15/05/1999. Some relevant provisions of the said Act are as under: Section 2(a) and 2(c) defines educational institute as under :

(a) "Educational Institution" means and includes a college, or other institution by whatever name called, carrying on the activity or imparting education therein (either exclusively or among other activities); and includes an orphanage or a boarding home or hostel or a tutorial institution or any other premises attached thereto;

(b)

(c) "Ragging" means display of disorderly conduct, doing of any act which causes or is likely to cause physical or psychological harm or raise apprehension or fear or shame or embarrassment to a student in any educational institution and includes-

(i) teasing, abusing, threatening or playing practical jokes on, or causing hurt to, such student; or

(ii) asking a student to do any act or perform something which such student will not, in the ordinary course, willingly, do.

14. Furthermore, Section 3 reads as under:

3. Prohibition of ragging. -*Ragging within or outside of any educational institution is prohibited.*

15. Section 4 which is the penal provision states as under :

Penalty for ragging. - *Whoever directly or indirectly*

commits, participates in, abets or propagates ragging within or outside any educational institution shall, on conviction, be punished with imprisonment for a term which may extend to two years and shall also be liable to a fine which may extend to ten thousand rupees.

16. Thereafter, Section 5 provides for any student who is convicted for an offence under Section 4 shall be dismissed from the educational institution and the said Section further bars the said student from being admitted in any other institution for a period of 5 year from the date of order of such dismissal. Furthermore, Section 6 contemplates suspension of student against whom a complaint of ragging is received by the head of the educational institution, and where on enquiry he is prima facie found to be guilty.

17. The University Grants Commission, in exercise of powers conferred by clause (g) Sub-section 1 of Section 26, of the University Grants Commission Act, has made regulations namely “Curbing the Menace of Ragging in Higher Educational Institutions Regulations, 2009”.

18. Regulation 3 of the said regulation is reproduced as under:

“3. What constitutes Ragging.

Ragging constitutes one or more of any of the following acts:

a. any conduct by any student or students whether by words spoken or written or by an act which has the effect of teasing, treating or handling with rudeness a fresher or any other student;

b. indulging in rowdy or indisciplined activities by any student or students which causes or is likely to cause annoyance, hardship, physical or psychological harm or to raise fear or apprehension thereof in any fresher or any other student;

c. asking any student to do any act which such student will not in the ordinary course do and which has the effect of causing or generating a sense of shame, or torment or embarrassment so as to adversely affect the physique or psyche of such fresher or any other student;

d. any act by a senior student that prevents, disrupts or disturbs the regular academic activity of any other student or a fresher;

e. exploiting the services of a fresher or any other student for completing the academic tasks assigned to an individual or a group of students.

f. any act of financial extortion or forceful expenditure burden put on a fresher or any other student by students;

g. any act of physical abuse including all variants of it: sexual abuse, homosexual assaults, stripping, forcing obscene and lewd acts, gestures, causing bodily harm or any other danger to health or person;

h. any act or abuse by spoken words, emails, post, public insults which would also include deriving perverted pleasure, vicarious or sadistic thrill from actively or passively participating in the discomfiture to fresher or any other student;

i. any act that affects the mental health and self-confidence of a fresher or any other student with or without an intent to derive a sadistic pleasure or showing off power, authority or superiority by a student over any fresher or any other student.”

19. Furthermore, by virtue of Regulation 4, Clause (i) the said regulations also apply to the educational institution in which the deceased and the applicant was taking education.

“i) "Institution" means a higher educational institution including, but not limited to an university, a deemed to be university, a college, an institute, an institution of national importance set up by an Act of Parliament or a constituent unit of such institution, imparting higher education beyond 12 years of schooling leading to, but not necessarily culminating in, a degree (graduate, postgraduate and/or higher level) and/or to a university diploma.”

20. In the conspectus of these facts the Legislative intent is clear, inasmuch as the Legislature has taken the menace of ragging very seriously and as already stated above Sections 5 and Section 6 provides for dismissal and suspension respectively of the student, who is convicted of Section 4. As can be seen from the definition of 'Ragging' in Section 2(c), it takes into its compass every disorderly conduct, doing of any act which causes or is likely to cause physical or psychological harm or raise apprehension or fear or shame or embarrassment to a student to any educational institution. Furthermore, (i)(ii) of Section 3 states about the inclusion of certain acts which would constitute ragging. Thus, a meaningful reading of the said Section with clause (i) & (ii) and by applying the principle of interpretation of definitions containing inclusionary clause, it can be said that any overt act as contemplated under Section 2(c), as amplified in the Regulation No. 3 of the Regulations mentioned supra would constitute ragging.

21. Thus, in the present facts, applying the yardstick and perusing the suicide note filed on record, the deceased has stated various acts and omissions by the persons including the applicant.

Furthermore, there is also a video clip recorded by the deceased making same allegation as that of the suicide note which has been found and seized from her mobile phone.

22. In that view of the matter, there is a *prima facie* case to prosecute the applicant in the Section 4 of the Maharashtra Prohibition Ragging Act. However, there is no case made out under Section 306 and 354 of the Indian Penal Code. Thus, it cannot be said at this stage that a criminal trial with respect to offence under Section 4 cannot be continued against the applicant, since the involvement of applicant can be adjudicated in a full fledged trial.

23. The powers under Section 482 of the Criminal Procedure Code cannot be exercised to stifle a legitimate prosecution as has been held by the Hon'ble Apex Court in the ***State of Madhya Pradesh vs Laxmi Narayan, (2019) 5 SCC 688.***

24. In that view of the matter, we proceed to pass following order.

ORDER

- (i) Application is partly allowed.
- (ii) The First Information Report No. 0109/2017 dated 12.03.2017, registered by the non-applicant No. 1 Police Station Buldhana(City), Buldhana, and further charge-sheet bearing No. 95/2017, for the offences punishable under Sections 306, 354 read with Section 34 of the Indian Penal Code and Section 4 of the Maharashtra Prohibition of Ragging Act, 1999, as also, Sessions Case No. 56 of 2017, pending on the file of 8th Adhoc District Judge -1 and Additional Sessions Judge, Buldhana, are quashed and set aside to the extent of the applicant only, so far as Sections 306, 354 read with Section 34 of the Indian Penal Code are concerned. However, the prosecution would continue as far as Section 4 of the Maharashtra Prohibition of Ragging Act, 1999, as against the applicant.

25. The application is disposed of accordingly

(NANDESH S. DESHPANDE, J.)

(URMILA JOSHI-PHALKE, J.)

Jayashree..