



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

CRIMINAL APPLICATION (APL) NO. 806 OF 2025

**Madhav s/o Moitram Pandharpur @
Madhav Patil**

Aged about 51 years,
Occupation : Private, R/o Swami
Krupa Apartment, Kashi Nagar,
Aniket Road Khamgaon,
Dist. Buldhana

...APPLICANT

// V E R S U S //

1. **State of Maharashtra,**
through Police Station Ramtek,
Dist. Nagpur (Rural)
2. **Bharti Anand Khante,**
Aged about 35 years,
Occu: Private,
R/o C/o Tagelal Bhagat,
Gandhi Chowk, Rajaji Ward,
Ramtek, Nagpur

NON-APPLICANTS

Mr Kanak Mandpe, Advocate for the applicant.
Mr N.B. Jawade, APP for non-applicant No.1/State.
Mr. Tushar U. Tathod, Advocate for non-applicant No.2.

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

DATE OF RESERVING THE JUDGMENT : 02.12.2025
DATE OF PRONOUNCEMENT OF THE JUDGMENT : 12.12.2025

J U D G M E N T : (PER : NANDESH S. DESHPANDE, J.)

1. Heard.

2. **ADMIT.** Heard finally by the consent of learned counsel for the parties.

3. The applicant has prayed for quashing and setting aside First Information Report No.278/2025 dated 06.04.2025 registered with Police Station Ramtek Nagpur (Rural) for the offences punishable under Sections 108, 316(2), 316(5), 318(6) read with Section 3(5) of the Bharatiya Nyaya Sanhita, 2023 (for short, 'the BNS, 2023').

4. The non-applicant No.2 lodged an First Information Report and as per the contents of the said First Information Report, Anand Khante committed suicide by hanging from tree. Therefore, the marg report was registered by the non-applicant No.1 police station and subsequently on 06.04.2025 the non-applicant No.2/complainant gave a report to the police station. The said non-applicant No.2 is the wife of deceased/victim.

5. In the said complaint, the non-applicant No.2 stated that the present applicant approached the victim in the year 2023

and had stated that he wanted to do business in partnership with the deceased. The applicant/accused further stated that he was having a business entity namely Kadambari Farms and for the said purpose SHED-NET provided to the farmers. The victim initially started a business namely M/S. Suman Agro Firm. It was accordingly, decided that a loan will have to be obtained for the purpose of providing shed to the farmers. In pursuance of the said business the accused as well as the victim obtained loan from Union Bank of India and the said bank transferred amount in the account of the present accused as well as victim (Anand Khante). On request of the applicant, the victim thereafter transferred the amount of the loan to the account of applicant Madhav Patil. Both of them i.e. applicant and victim approached the farmers in Ramtek area and informed them about the scheme of the Government and stated that they would be benefited by the said scheme. It is further alleged in the First Information Report that the present applicant never brought any material as regard the said SHED-NET and did not provide the same to the farmers. The farmers therefore, time and again began approaching the victim for the said material and were enquiring with them.

Subsequently, as the loan remained unpaid, the Bank Officers also started demanding amount of loan from the present applicant. Further more since loan was not returned, one of the co-accused namely Ashish Godhane without consent of victim transferred an amount of Rs.40 Lakhs to the account of the victim i.e. Anand Khante. First Information Report further alleges that the present applicant thereafter harassed the victim and the bank officers as well as farmers were continuously demanding the amount of money which subsequently resulted in the victim committing suicide on 02.04.2025. Thus, First Information Report as stated above was lodged which is challenged in the present application.

6. We have heard Mr. Kanak Mandpe, learned counsel for the applicant, Mr. N.B. Jawade, learned APP for the State and Mr. Tushar U. Tathod, learned counsel for non-applicant No.2.

7. Mr. Mandpe, learned counsel for the applicant submits that the meaningful reading of the First Information Report would reveal that no offence much less as punishable under Section 107 of the Bharatiya Nyaya Sanhita, 2023 is directed as against the

present applicant. He further submits that there is no overt act so as to constitute abetment as contemplated under the said Section and therefore, there is no *mens rea* to commit offence. He further submits that for attracting the provisions of Section 107, an active or direct act which lead the deceased to commit suicide without he being left with more option has to be shown by the prosecution and therefore, the First Information Report lacks of material particulars to implicate the accused.

8. Learned APP while opposing the contentions advanced by learned counsel for the applicant states that prima-facie there is case of abetment of suicide and the applicant has instigated for the same. He further submits that the Investigating Agency during the course of investigation has recorded the statement of victim/complainant and has also collected bank documents. He has further submitted that statement of the farmers was also recorded and modus operandi of the present applicant is such that he is involved in similar crimes earlier. He therefore, submits that a Special Investigation Team is constituted for

investigating the said crime. He therefore, submits that this is not a fit case to exercise jurisdiction under Section 482 of the Cr.P.C.

9. Learned counsel for the non-applicant No.2 while supporting the contentions canvassed by the learned APP and submits that the applicant herein is involved in similar types of offences and First Information Report for offence punishable under Section 108 is registered vide First Information Report No.278/2025. While taking us through the said First Information Report he states that the methodology of the applicant is similar in nature which has resulted in harassment to the farmers.

10. In the backdrop of these facts, we have perused the First Information Report in question. The offence punishable is under Section 45 of the BNS (Section 107 of the I.P.C.) which reads as under:-

“45, Abetment of a thing.- A person abets the doing of a thing, who --

(a) instigates any person to do that thing; or

(b) 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

(c) intentionally aids, by any act or illegal omission, the doing of that thing.

Section 107 of the IPC

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

First.- Instigates any person to do that thing; or

Secondly.- Engage 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.”

Further more Section 108 of the BNS reads as under:-

“108. 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.

Section 306 of the IPC

“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.”

11. It is well settled principle of law by various judicial pronouncement that for attracting offence under Section 108, what is required is a direct or proximate act which leads the deceased to commit suicide he having left with no option. Further more, it is also settled that the act of instigation or abetment should be having direct nexus with the act of committing suicide.

12. If the contents of the First Information Report in question are tested on the touch stone of settled principle of law, stated supra, prima-facie there is material against the present applicant as the First Information Report spells out detail methodology of the applicant to drive the persons like the husband of the complainant to drive suicide. Further more, we cannot loose sight of the fact that as stated by the prosecution, similar First Information Report for identical offence has been registered against the applicant bearing First Information Report Nos.0278/2025 and 0305/2025. It is a settled principle of law that powers under Section 482 of Criminal Procedure Code has to be exercised sparingly and with great circumspection. It is also settled that the said powers are not to be resorted to stifle

legitimate prosecution when the aspects involved would require a full fledged trial wherein allegations and counter allegations would be tested on the anvil of cross-examination. A beneficial reference in that regard can be made to the judgment of the Hon'ble Apex Court in *The State of Madhya Pradesh Vs. Laxmi Narayan and others reported in (2019) 5 SCC 688*. Thus, we are of the considered view that this is not a fit case to exercise jurisdiction under Section 482 of the Criminal Procedure Code.

13. In the result, we pass the following order:

ORDER.

(i) The Criminal Application is rejected.

14. The criminal application stands disposed of.
Pending application, if any, also stands disposed of.

[NANDESH S. DESHPANDE, J] [URMILA JOSHI PHALKE, J.)