IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

**994 CRIMINAL APPLICATION NO. 557 OF 2026**

1. Prakash s/o Namdeo Khedkar,
2. Somnath s/o Shesherao Khedkar …APPLICANTS

**VERSUS**

1. The State of Maharashtra,
2. Kshitija Nilkanth Lahane …RESPONDENTS

Mr.S.E.Shekade, Advocate for the Applicants.
Mr.C.V.Bhadane, APP for the Respondent/State.
Mr.S.S.Nade, Advocate for Respondent No.2.

**( CORAM : SUSHIL M. GHODESWAR, J. )**

**DATE : 29th OCTOBER, 2026**

**PER COURT** :

1. By this application under Section 482 of the Code of Criminal Procedure, 1973, the applicants seek quashing of FIR No. 0055/2019 dated 30/06/2019 registered with Kingaon Police Station, District Latur, for the offences punishable under Sections 306 read with 34 of the Indian Penal Code, 1860., the consequent Charge-sheet No. 43/2019 dated 17/11/2019, the order of issuance of process dated 27/11/2019 passed by the learned Judicial Magistrate First Class, Renapur, District Latur, and the criminal proceedings in R.C.C. No.

143/2019 (wrongly referred to as R.C.C. No. 145/2019 in the application memo), along with the consequent Sessions Case upon committal vide order dated 04/10/2025.

2. The factual matrix, as unfolded from the FIR (Exhibit 'A') and Charge-sheet (Exhibit 'B'), is that Respondent No. 2 - Kshitija married the deceased Nilkanth Dattu Lahane in 2007 at Gangakhed. After initially serving as a teacher at Nandurbar, the deceased had been working for the preceding two years as an Assistant Teacher at Zilla Parishad Primary School, Ardhapimpri, Taluka Georai, District Beed, while the informant resided separately with their children, Suyash and Sakshi, in a rented house owned by Bhama Pandurang Palate at Bodhegaon, Taluka Shevgaon, District Ahmednagar, from where the deceased travelled daily on his motorcycle. On 17/05/2019, the deceased went alone to his native village Lahnewadi, Taluka Renapur, District Latur, for the conclusion of *Harinam Saptah*. On 19/05/2019, he telephonically informed the informant that he was admitted to the Government Hospital at Latur due to ill health, where the informant visited him on 20/05/2019. On 21/05/2019, when the informant went to their rented room at Bodhegaon to fetch the deceased's service book,

she found a second lock placed over her lock, which had been put by Applicant No. 1 (Prakash Khedkar), Applicant No. 2 (Somnath Khedkar), and co-accused Arjun Hari Gade, as per saying of her landlady Bhama. Shortly thereafter, the said three persons arrived, inquired about her husband and upon learning of his hospitalization at Latur, called him over the phone, abused him, and threatened not to let the informant leave until he arrived. However, upon the informant's request, they removed their lock after issuing threats to her. On 22/05/2019, the deceased was discharged from the hospital and returned to Lahnewadi. On 23/05/2019 around 3:00 p.m., while the informant was about to board a bus from Bodhegaon to Georai, Ramesh Vyankat Ghule telephonically informed her that the deceased had committed suicide by hanging from a flowering tree in the courtyard (वसरी) of their house at Lahnewadi. Before she arrived, the post-mortem had been conducted and the last rites were performed. On 24/05/2019, while keeping the service book in the deceased's bag, the informant allegedly found an application dated 26/11/2018 addressed to the C.E.O., Zilla Parishad, Beed, and an undated suicide note addressed to the Police Inspector, Kingaon Police Station, blaming four persons: (1) Applicant No. 1 for taking away his two-wheeler; (2)

Applicant No. 2 for engaging in an interest/money-lending transaction; (3) co-accused Arjun Gade for torturing his wife for money and threatening to lock the house; and (4) the School Management Committee President (co-accused Jayram Suryabhan Hapte) for harassing him and threatening to lock the school. The FIR was lodged 37 days later on 30/06/2019, when the note was also seized.

3. Learned Advocate for the Applicants submits that they are falsely implicated after an unexplained delay of 37 days to evade financial obligations, and that the ingredients of 'abetment' under Sections 107 and 306 of the I.P.C. are wholly absent. He further points out that a Coordinate Bench of this Court (Coram: Smt. Vibha Kankanwadi and Rajesh S. Patil, JJ.), vide judgment dated 08/09/2022 in Criminal Application No. 3898 of 2019 (with Criminal Application No. 1933 of 2022), has already quashed the present FIR, charge-sheet, and R.C.C. No. 143/2019 against co-accused Jayram Suryabhan Hapte (Accused No. 1 in the charge-sheet), noting the futility of the prosecution and the deceased's addiction to liquor, pursuant to which the Trial Court disposed of the case against him on 21/09/2022. Conversely, the learned APP for the State and the learned Advocate for Respondent No. 2 opposed the application, contending that the specific

role of the applicants in the incident dated 21/05/2019 and their names in the suicide note warrant a full-fledged trial before the Sessions Court.

4. To attract Section 306 of the I.P.C., the prosecution must establish 'abetment' under Section 107 of the I.P.C. The law governing abetment of suicide in the context of money-recovery disputes and suicide notes is well settled by the Hon'ble Supreme Court:

a. In ***Gangula Mohan Reddy v. State of Andhra Pradesh, (2010) 1 SCC 750 (AIR 2010 SC 327)***, it is held that abetment involves a mental process of instigating or intentionally aiding a person in doing a thing. Conviction under Section 306 of the I.P.C. requires a clear *mens rea* and an active or direct act intended to push the deceased into such a position that he committed suicide seeing no other option.
b. In ***Madan Mohan Singh v. State of Gujarat and another, (2010) 8 SCC 628***, the Hon'ble Supreme Court held that a suicide note merely expresses the subjective anguish of the deceased and cannot sustain a charge under Section 306 of the I.P.C. in the absence of specific intentional instigation, particularly when an educated deceased had legal remedies available to redress his grievances.
c. In ***Mohit Singhal and another v. The State of Uttarakhand and others, (2024) 1 SCC 417 (2023 INSC 1035)***, where the accused had visited the house, demanded loan repayment, and abused the deceased and his family prior to the suicide, and a suicide note named the lenders, the Hon'ble Supreme Court held that demanding repayment of money advanced—even if accompanied by abusive words or threats—lacks proximate link and *mens rea* to constitute instigation under Section 107/306 of the I.P.C., as a lender would never intend that the borrower should die.

d. In ***Mahendra Awase v. The State of Madhya Pradesh, 2025 SCC OnLine SC 107 (2025 INSC 76)***, the Hon'ble Supreme Court reiterated that loan recovery demands, heated exchanges, and a suicide note naming the accused (coupled with a delayed FIR) do not attract Section 306 of the I.P.C. without conscious intent to drive the victim to suicide, cautioning that Section 306 of the I.P.C. cannot be casually invoked merely to assuage the feelings of the bereaved family.

5. Applying the aforesaid principles to the facts on record, we find that no prima facie case under Section 306 read with Section 34 of the I.P.C. is made out against the applicants. Firstly, the allegations regarding the two-wheeler, the interest transaction, and the incident dated 21/05/2019 stem purely from a money-recovery dispute; as held in *Mohit Singhal* (supra) and *Mahendra Awase* (supra), demanding repayment of dues, even with harsh words or temporary locking of the room, do not establish *mens rea* to instigate suicide. Secondly, the telephonic altercation on 21/05/2019 occurred two days prior to the suicide at a different place, lacking any immediate or proximate live link. Thirdly, as held in *Madan Mohan Singh* (supra) and *Gangula Mohan Reddy* (supra), the deceased, being an educated teacher, had ample legal remedies to report any wrongful seizure of his vehicle or unlawful recovery demands. Moreover, the statements of the deceased's school colleagues—Headmaster Madhukar Babasaheb Shebande and

Assistant Teachers Ganesh Suresh Pandit and Suhas Kanifnath Narwade (recorded on 09/08/2019)—along with the Inquest Panchnama dated 23/05/2019, reveal that the deceased was addicted to liquor and was always under stress and the unexplained 37 days delay in lodging the FIR after the alleged discovery of the suicide note casts serious doubt on the prosecution. Above all, since a Coordinate Bench of this Court has already quashed the very same proceedings against co-accused Jayram Suryabhan Hapte in Criminal Application No. 3898 of 2019 on 08/09/2022, continuation of the prosecution against the present applicants would amount to an abuse of the process of law under ***State of Haryana and others v. Ch. Bhajan Lal and others, AIR 1992 SC 604***.

## O R D E R

(i) The Criminal Application is allowed.

(ii) The First Information Report bearing Crime No. 0055/2019 dated 30/06/2019 registered with Kingaon Police Station, District Latur, for the offences punishable under Sections 306 read with 34 of the Indian Penal Code, 1860, the consequent Charge-sheet No. 43/2019 dated 17/11/2019, the order of issuance of process dated 27/11/2019, and the criminal proceedings in R.C.C. No. 143/2019 pending before the learned Judicial Magistrate First Class, Court No. 2, Renapur, District

Latur (along with the consequent Sessions Case pursuant to the committal order dated 04/10/2025), are hereby quashed and set aside *qua* the present applicants.

( SUSHIL M. GHODESWAR, J.)