IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 2357 OF 2024

1 Narmada W/o Bhagwan Bansode (Mother-In-law)
2. Bhagwan S/o Balaji Bansode (Father-in-law)
3. Rupali W/o Akash Kakade (Married Sister-in-law)
4. Amol S/o Bhagwan Bansode (Brother-in-law)

VERSUS

1.State of Maharashtra
2. Sheshrao Dagadu More

Mr. R. V. Gore, Advocate for applicants
Mr. A. S. Avhad, Advocate for Respondent no. 2 (appointed)
Ms. R. P. Gour, APP for Respondent-state

CORAM : R. M. JOSHI, J.
DATE : 28th OCTOBER, 2026

PER COURT :-

1. By way of this application, applicants seek quashment of criminal proceedings R.C. C. No. 79 of 2024 pending before Learned 12th Judicial Magistrate First Class, Aurangabad and Sessions Case No. 266 of 2024 pending before the learned Additional Sessions Judge, Aurangabad, arising out of First Information Report bearing Crime No. 224 of 2023 registered at Mukundwadi Police Station, District Aurangabad for the offences punishable under sections 306, 498-A, 323, 504, 34 of Indian

Penal Code, so also order of issuance of summons dated 20.01.2024 passed in R.C.C. No. 79 of 2024.

2. According to the prosecution, the First Information Report was lodged by the informant/father of deceased Pooja namely Sheshrao Dagadu Gore. The marriage of his deceased daughter Pooja, and accused Mangesh Bhagwan Bansode was solemnised on 20.04.2014. A male child namely Yash was born out of the said wedlock. It is alleged that initially, the matrimonial life of his daughter was cordial, but subsequently the in-laws started subjecting Pooja to mental and physical harassment on trivial domestic issues and husband of the Pooja demanded money from parental home for starting an orphanage school. It is alleged that Informant brought the deceased Pooja to his house at Shirpur. Later, on 21.05.2023 husband of the deceased called her at matrimonial home due to informant's health issue he dropped her at home on 25.05.2023. On 27.05.2023 at 8.00 am husband of the Pooja continuously quarreled with the deceased Pooja, abused her and assaulted her and on the same day at 12.00 noon informant came to know that his daughter committed suicide by hanging herself at her matrimonial home. Therefore, the informant lodged an FIR against the present applicants. Upon completion of the investigation the charge-sheet came to be filed leading to the registration of the R.C.C. No. 79 of 2024 and the issuance of process

against the applicants.

3. Learned counsel for the applicants submitted that the allegations in FIR indicate that the present applicants were falsely implicated in the alleged offence. It is contended that the marriage of the deceased and accused Mangesh took place nine years prior to the incident without any prior complaints. It is alleged that the charge-sheet lacks any specific overt act, positive action, or instigation by the applicants to facilitate suicide under Section 107 of the IPC. It is further contended that there are no specific allegations against the present applicants to attract offenses under Sections 306 and 498-A of the IPC. He argued that the statement recorded by the police of the witness, who is aged about 8 years, is not correct. According to him, no question was asked to him as to what is done by present applicants. It is argued that applicant no. 3 is residing separately from the matrimonial home of the deceased. It contended that there is no prima facie evidence to show an active act of the applicants which led the deceased to commit suicide. Therefore continuation of criminal proceedings is an abuse of the process of law. He places on reliance judgment of Hon'ble Supreme Court ***M.Mohan v.s State 2011 (3) Mh.L.J.(Cri.) 1271 and Shabir Husain Vs. The state of Madhya Pradesh 2021 SCC Online SC 3415.***

4. Learned APP and learned counsel for the informant strongly

opposed to grant relief to the applicants. It is contended that allegations in FIR, charge-sheet and statements of witness disclose *prima facie* case against the applicants. It is argued that the deceased Pooja suffered continuous mental and physical cruelty and harassment and unlawful demands of money. It is argued that the proximity of the incidents like persistent quarrels, abuse and assault by the husband on 27.05.2023 just hours before the suicide by hanging reveals that it was harassment that led to the tragic suicide. It was sought to be argued that there is no question asked to the child as to what is done by present applicants and hence, he has not narrated any thing against them. It is pointed out that there are statements of witnesses including informant to show what happened just before the commission of suicide by the deceased.

5. Needless to say that accused are to be prosecuted and not persecuted. The submission while opposing the application is that the child witness is not asked as to what applicants have done. Perusal of the statement of the child indicates that he was asked as to what happened on that day. This question was absolutely proper as it was then witness was to state what happened. He narrates as to what happened. There is no substance in the contention that no question was asked to him as to what was done by applicants. This submission itself indicates persecution. The statement of this witness leaves no room of doubt that

the applicants had not played any role in the incident in question.

6. Apart from this, there are vague allegations and no particulars provided, resulting in a complete absence of any nexus between the allegations and the commission of suicide by the deceased. Furthermore, insofar as the incident of 27.05.2023 which has some nexus with the act of suicide is concerned, the statement of the son of the victim indicates that the incident involves the husband of the deceased and not the present applicants. Considering evidence against husband and allegations against him, there is reason to believe that deceased could have committed suicide on account of the said harassment.

7. In the complete absence of any specific evidence showing a direct relation or overt act attributable to the applicants, the continuation of criminal proceedings against them would amount to an abuse of the judicial process, as settled by the Hon'ble Supreme Court in ***State of Haryana v. Chh. Bhajan Lal*** (1992) (cri) 426. Moreover, Applicant No. 3 is a married sister-in-law who lives separately from the matrimonial home. The Hon'ble Supreme Court in case ***Geeta Mehrotra v. State of U.P.*** (2012) 10 SCC 741 and ***Kahkashan Kausar v. State of Bihar*** (2022) 6 SCC 599, relatives who live separately cannot be forced to face a criminal trial based on vague and omnibus allegations.

8. In view of the above, application stands allowed in terms of prayer clauses ‘B’, ‘F’ and ‘H’.

9. Fees of appointed counsel is quantified at Rs. 10,000.

(R. M. JOSHI, J.)

B. S. Joshi