IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

39 CRIMINAL APPLICATION NO. 2578 OF 2024

1. Akash Prabhakar Shinde
2. Prabhakar Rangnath Shinde
VERSUS
The State of Maharashtra and Another

Mr. M. S. Bhosale, Advocate for Applicants
Mr. A. R. Kale, APP for Respondent No.1/State
Mr. M. P. Tripathi, Advocate for Respondent No.2/Informant

CORAM : R.M. JOSHI, J
DATE : NOVEMBER 02, 2026

P. C. :

1. Applicants seek quashment of the Charge Sheet bearing No. 118/2020 filed in the RCC No. 560/2020 by the Mantha Police Station, Taluka Mantha, District Jalna before the Ld. JMFC at Mantha, Tal- Mantha, Dist. Jalna in FIR/Crime no. 0299/2019 registered at Mantha Police Station, Tal. Mantha, Dist. Jalna under Section 306 r/w 34 of the Indian Penal Code and Order of issuance of process against Applicants dated 11.12.2020 passed in RCC No. 209/2020 before the Ld. JMFC Martha in RCC No. 209/2020.

2. The case of the prosecution is that on 19.08.2019 at around 01:00 pm, the informant's 19-year-old daughter, Radha Vibhute, committed suicide by hanging herself with an iron rod and a rope inside their residential house at Limbewadgaon. Initially, an Accidental Death was

registered under Section 174 of the Cr.P.C. at Mehkar Police Station. Subsequently, the informant (father of the deceased) lodged the FIR alleging that the deceased was engaged with accused Akash Prabhakar Shinde i.e. present Applicant No. 1 in April 2019, for which financial assistance of Rs. 99,000/- was extended. It is alleged that accused Akash Prabhakar Shinde demanded amount of Rs. 5 Lakhs to the Informant in order to obtain a job, when the Informant told him that he is unable to provide the said amount the Applicant No. 1 said he will not marry his daughter. The informant further discovered from a phone call recording that accused Akash Prabhakar Shinde explicitly abetted and instigated the deceased to commit suicide by telling her to hang herself or to consume poison so that she would not be survive, which ultimately drove the deceased to commit suicide out of distress caused by the continuous harassment and abetment by the accused persons, Akash Prabhakar Shinde and Prabhakar Rango Shinde.

3. Learned Counsel for the Applicant, on instructions, does not press application to the extent of offence under the Dowry Prohibition Act. Application is heard only to the extent of offence under Section 306 of the Indian Penal Code.

4. Learned Counsel for the Applicant submits that the Applicants are falsely implicated in the present case and there is delay of 1 month 4 days in filing of FIR from the date of incident. He submits that even if the

allegations made in FIR are accepted as it is to be correct, they cannot constitute offence of abetment to commit suicide. Therefore, the offence under Section 306 IPC cannot be attributed to the Applicants. He submits that the allegation made in the FIR of having incriminating material in the form of call recordings between the Applicant No. 1 and the deceased is completely baseless and false and there is no FSL report on record to show the correctness of the allegation. He submits that the Informant has approached the Applicants and demanded money and also threatened the registration of crime against them.

5. To support his contentions, he relied on the following judgments:

i. **S. S. Chheena Vs Vijay Kumar Mahajan and Anr.** (2011 (2) SCC (CRI) 465)

ii. **Ramesh Kumar Vs. State of Chattisgarh** (2011) 9 SCC 618

iii. **R P Kapoor Vs State of Punjab** (AIR 1960SC 866)

iv. **State of Haryana and Ors. vs Bhajanlal and Ors.** (1992 SUPP (1) SCC 335)

6. Learned APP and learned Counsel for the Informant strongly oppose the grant of any relief to the Applicants owing to the seriousness of the offence. During the course of hearing, learned Counsel for the Informant submits that though no charge-sheet has been filed for the offences under

the Dowry Prohibition Act, he drew attention of the Court to the statements recorded during the course of investigation, which according to him, there is sufficient evidence in order to frame charge against these Applicant for those offences.

7. At the outset this Court would like to record order dated 02.07.2025 passed by Division Bench, which reads thus –

> *"1. Learned APP to get instructions in respect of FSL report and positively produce it on or before 18.07.2025, as a last chance. In absence of which, it will be presumed that there is nothing in the device that has been sent to FSL.*
> *2. Place the matter for further consideration on 25.07.2025."*

This order though came to be passed on 02.07.2025, till date there are no steps taken by the prosecution to seek the FSL report. Thus, when in spite of granting several opportunities, when the FSL report is not placed on record, as per order passed by the Division Bench this Court finds no impediment to presume that there is nothing in the device that has been sent to FSL. Thus, there is absolutely no evidence on record to support allegations against the Applicants to the extent of offences under Section 306 of IPC. Even if the statements of witnesses are accepted to be correct, the allegation with regard to the conversation between deceased and accused can not be proved during trial, for want of evidence. The case in hand, therefore, is squarely covered by principles laid down in case of ***State of Haryana and Another Vs. Bhajanlal and Another*** (1992) 1 Supp SCC 335.

8. In view of above, application is partly allowed in terms of prayer clauses ‘B’ & ‘E’ only to the extent of offence under Section 306 of the Indian Penal Code. Trial Court to proceed with the case in accordance with law.

(R. M. JOSHI, J.)

Malani