IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

976 CRIMINAL APPLICATION NO. 2481 OF 2025

1. Vilas Ananda Chaudhari
2. Prakash @ Samadhan Ananda Chaudhari ….APPLICANTS

VERSUS

1. The State of Maharashtra,
Thr. Police Station Officer,
Mohadi Nagar Police Station,
Tq. & District Dhule

2. Ravindra Devidas Chaudhary ….RESPONDENTS

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Mr A. R. Syed, Advocate for Applicants
Mr C. V. Bhadane, APP for Respondent No.1/State

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CORAM : SUSHIL M. GHODESWAR, J.

DATE : 31st OCTOBER, 2026

P. C. :

1. Heard learned Advocate for the applicants and learned APP for respondent No.1/State. Learned Advocate for respondent No.2, though appointed by this Court, is not present.

2. By this application, the applicants are praying for quashing and setting aside the FIR bearing C.R. No.234/2024, dated 19/07/2024, registered against them at the behest of respondent No.2/complainant with the Mohadi Nagar Police Station, District

Dhule, for the offences punishable under Sections 108, 115(2), 352, 351(3) and 3(5) of the Bharatiya Nyaya Sanhita, 2023 and the consequential criminal proceedings arising out of the said FIR.

3. The aforesaid FIR came to be registered at the behest of respondent No.2/Ravindra Devidas Chaudhary, who stated therein that his elder son Suraj was working as a Supervisor at Prachi Furniture at Avdhan MIDC, had left at 08.30 a.m. on 11/07/2024 for his job. On that day, between 1.00 to 01.30 p.m., accused Rakesh Yashwant Chaudhary called Suraj and quarreled with him, as to why he is troubling to his sister by making phone calls. On that count, a scuffle took place between Rakesh and Suraj, and Rakesh had threatened him of dire consequences. Suraj thereafter reported to his work. It is further alleged that, on 14/07/2024, one Dhiraj Gopal Chaudhary informed to one cousin of complainant, namely, Bhatu Shivaji Chaudhary that Rakesh is about to hold meeting at 9.00 p.m. on 14/07/2024. Accordingly, complainant with his family members went to attend that meeting at house of accused Rakesh, and at that time, accused Rakesh informed the complainant that his son Suraj is troubling his sister Madhuri, and therefore, her in-laws are harassing her on the said count. Complainant also alleged that the said Rakesh told him that he had also informed Suraj on 11/07/2024 at his

workplace and he had also given him understanding, however, quarrel took place between both of them. Thereafter, the complainant informed the accused that he would make necessary enquiry with Suraj and informed him accordingly.

4. It is further alleged in the report by the informant that, since 13/07/2024, deceased Suraj had gone to work and went missing. His mobile was also not working. On 15/07/2024, between 11.00 a.m. to 11.45 a.m., accused alleged to have gone workplace of Suraj and had make enquiry with the company owner, namely, Bipin Shardul, however, he informed the company owner to terminate the deceased Suraj. On 16/07/2024, at about 10.30 a.m., the owner of Prachi Furniture, namely Bipin Shardul informed that Suraj was found hanging in the godown, having committed suicide, and therefore, they went to said spot of Prachi furniture. Upon reaching, they found that body of Suraj was hanging to the ceiling. Accordingly, they removed the body and took the deceased to the Civil Hospital, Dhule, where the Doctor declared him to be dead. Thereafter, the complainant lodged report alleging therein that, accused person had gathered and they have harassed deceased Suraj, due to which, deceased Suraj decided to take extreme steps. The complainant alleged that, in view of consistent

pressure and harassment at the hands of accused, the deceased committed suicide. On the basis of these allegations, the report is lodged. The present applicants are accused Nos.2 and 3 in the instant crime.

5. Mr Syed, learned Advocate for the applicants submits that the applicants are the persons who were alleged to be persons in the meeting, which took place on 14/07/2024. However, they had no occasion to meet the deceased Suraj at any point of time before his death. The main accused is accused No.1/Rakesh, who went to the workplace of the deceased Suraj, and is alleged to have quarreled with him on account of troubling his sister, and therefore, the present applicants cannot be said to have abetted crime as regards suicide of deceased Suraj. He, therefore, submits that, no case is made out against the present applicants.

6. Learned Advocate for the applicants also points out statements of one Umesh Shantaram Bhadane, dated 06/08/2024, which is recorded by the Investigating Officer after a period of 15 days of the incident, deliberately to implicate the applicants into crime, which was admittedly came to be record by the Investigating Officer after anticipatory bail application of the applicants came to be rejected.

He also points out the statement of Harish Ravindra Chaudhary, recorded on 06/08/2024 i.e. 15 days after the incident, wherein the relatives of the applicants allegedly threatened the complainant for not to implicate the accused persons deliberately. He then submits that recording of statements after a period of 15 days was done mainly for false implication of the applicants/accused persons, and by no stretch of imagination, can it be accepted as a genuine delay. He further submits that, in order to attract Section 306 of the Indian Penal Code, the provisions of Section 107 of the Indian Penal Code must come into play. To establish an offence under Section 306, the prosecution is required to lead cogent evidence proving both instigation and proximity, elements which are totally missing in the instant case. He, therefore, submits that the instant crime against applicants is required to be quashed and set aside.

7. Per contra, learned APP for the respondent No.1/State strongly opposes the instant application. He submits that accused Rakesh had organized meeting which was attended by the present applicants. He further submits that accused Rakesh was found to have visited the work place of the deceased Suraj and he had also quarreled with deceased Suraj on the given date and time. The meeting which

was on 14/07/2024 was very much attended by the complainant, and in the said meeting, the applicants were also present. In the said meeting, it was decided to give understanding to deceased Suraj. The complainant was supposed to take necessary information as regards the dispute, however, it appears that the deceased Suraj went on missing, and later on 16/07/2024, the complainant received call from the owner of the Prachi Furniture that the deceased had committed suicide. Learned APP states that, in view of the sufficient incriminating material instant application deserves to be rejected. He also submits that there are statements available on record to show that the applicants are involved into commission of aforesaid crime. He, therefore, prays for rejection of the instant application.

8. After hearing the submissions advanced by the learned Advocate for the applicant and learned APP and going through the material placed before this Court, it appears that the role of the applicants appears in whole case is to attend the meeting arranged by the main accused Rakesh, for the purpose of giving understanding to deceased Suraj and his relatives. The said meeting was very much attended by the complainant and the applicants. Since deceased Suraj was alleged to have been giving trouble to the sister of main accused

Rakesh, the applicants appears to have attended the said meeting. However, such organization does not goes to show that there was any intention or abetment as regards commission of suicide by deceased Suraj.

9. At this stage, it would be apposite here to refer to the observations of the Hon'ble Apex Court in the judgment of **Mahendra Awase v. State of Madhya Pradesh, 2025 INSC 76 : 2025 SCC OnLine SC 107 : (2025) 4 SCC 801 : AIR 2025 SC 568.** It was held that, conviction under Section 306 of the Indian Penal Code requires proof of instigation or intentional aid coupled with the requisite mens rea. In **Abhinav Mohan Delkar v. State of Maharashtra, 2025 INSC 990 : 2025 SCC OnLine SC 1725**, the Hon'ble Apex Court reiterated that the essential ingredients of abetment under Sections 306 and 107 of the Indian Penal Code must be established by the prosecution.

10. In that view of the matter, since no other serious incriminating material is on record to show the role of the present applicants, this application is liable to be allowed. Accordingly, I pass the following order :-

ORDER

I) The criminal application is allowed.

II) The FIR bearing C.R. No.234/2024, dated 19/07/2024, registered with the Mohadi Nagar Police Station, District Dhule, for the offences punishable under Sections 108, 115(2), 352, 351(3) and 3(5) of the Bharatiya Nyaya Sanhita, 2023 and the consequential criminal proceedings arising out of the said FIR, are quashed and set aside to the extent of present applicants.

[SUSHIL M. GHODESWAR, J.]

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