IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 3459 OF 2024

1. Khandarrao Jalba Avdhute
2. Anusuyabai Khandarrao Avdhute
3. Sunil Khandarrao Avdhute
4. Sangita Sunil Avdhute … APPLICANTS

VERSUS

1. The State of Maharashtra
2. Shivani Pradip Gaikwad … RESPONDENTS

...

Mr. A. V. Indrale Patil, Advocate for Applicants
Ms. R. P. Gour APP for Respondent-State

CORAM : R. M. JOSHI, J.
DATE : OCTOBER 12, 2026

PER COURT:-

1. None appears for Respondent No. 2/Informant. This indicates that the Respondent is not interested to oppose the Application. Hence, proceeded in absence of Informant.

2. The present Application is filed for seeking quashment of FIR No. 95 of 2024, dated 17.04.2024 registered with Dharmabad Police Station, District Nanded, for the offences punishable under Section 306 read with Section 34 of the Indian Penal Code, 1860 (for short "IPC") so also charge-sheet bearing No. 114 of 2024, dated 24.12.2024 in R.C.C. No. 13 of 2025.

3. The case of the prosecution is that the informant, Shivani Pradeep Gaikwad, reported that her mother, Mahananda Anil Avdhute aged 42 years,

went missing from her residence in Saraswati Nagar, Dharmabad on 30.03.2024 in the morning. Following an unsuccessful search by family members, information circulated on 01.04.2024 through WhatsApp, regarding a female body floating in a lake in the Balapur area. The informant and her relatives rushed to the spot, where the police and local helpers retrieved the decomposed body. The informant positively identified the deceased as her mother by her clothing, after which the police conducted an inquest panchnama and handed over the body for last rites. It is alleged by informant that the deceased had been subjected to continuous physical and mental harassment for over 10 to 15 years by her in-laws and relatives i.e. mother-in-law (Anusayabai Khandarao Avdhute), father-in-law (Khandarao Avdhute), brother-in-law (Sunil Khandarao Avdhute), and sister-in-law (Sangita Sunil Avdhute). The above-named accused repeatedly quarreled with, abused, and insulted the deceased over domestic chores and family disputes, driving her to severe mental distress and expressions of feeling her life was worthless. Fed up with this prolonged torture caused in collusion by the four accused, the deceased jumped into the Balapur lake between 30.03.2024 and 01.04.2024, resulting in her death by drowning. Pursuant to the incident, FIR came to be lodged by the Informant/daughter of the deceased. After investigation, charge-sheet came to be filed.

4. The Learned Counsel for the Applicants submits that the Applicants are falsely implicated in the present crime and it amounts to an abuse of process of

law. He submits that the alleged incident is a concocted story and even if the allegations made in FIR are taken at their face value and accepted in entirety, they do not constitute any offence under Section 107 of IPC and abetment to suicide. Furthermore, there is delay of seventeen days in filing of FIR which shows the *malafide* intention of the Informant to implicate the Applicants in the present crime. He submits that the Applicant No. 1 is 80 years old and unable to maintain himself whereas Applicant No. 2 is 75 years old and suffering from cancer and the FIR is filed only to harass them. Moreover, he submits that the deceased was residing separately with her husband since last 30 years and not with the Applicants and the necessary documents showing the same are placed on record. He lastly submits that the present FIR is filed with *malafide* intention only with a view to malign the image of the Applicants, therefore the same deserves to be quashed.

5. To support these contentions, the learned Counsel for the Applicants relied on the judgments of this Court in case of ***State of Maharashtra Vs. Kishan Sandu Kakde and Ors. (Criminal Application No. 2213 of 2010)*** and ***Lawrence Dorai Swami and Ors. Vs. State of Maharshtra and Anr. (Criminal Application No. 244 of 2010).***

6. The Learned APP strongly opposed the grant of any relief to the present Applicants and contended that there is *prima facie* substance in the case made out against the Applicants. She draws attention of the court to FIR and submits

that the deceased has committed suicide owing to the constant harassment and cruelty caused by the Applicants for around 10 to 15 years. The constant harassment of the deceased by her husband and in laws has led to the deceased to commit suicide. Therefore, she submits that the Applicants are responsible for the suicide of the mother of the Informant.

7. Perusal of the record shows that the cause of death is by drowning and there is no material showing that the death is suicidal one. Even if the allegations in the FIR accepted to be true, there is no nexus between the alleged harassment and the death of the deceased. In order to constitute an offence under Sections 306 and 107 of IPC, the ingredients of abetment must necessarily be fulfilled, herein, no such material showing the death is caused by suicide much less showing abetment to suicide, is present on record. Therefore, in the facts and circumstances of the present case, this court finds no reason for Applicants to undergo trial which would amount to abuse of process of law. Thus, this court is of the opinion that this a fit case for quashing of the FIR.

8. Hence, the Application stands allowed in terms of prayer clauses **'B'** and **'B-1'.**

(R. M. JOSHI, J.)

Umesh