IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 3823 OF 2025

1. VARSHA VISHAL JANGE
2. SUREKHA MILIND BHANDARE
(SUREKHA BHANDARI)
3. MILIND VITTHAL BHANDARE
4. HIRKANBAI VITTHALRAO KAMBLE (RATNABAI KAMBLE)
5. SUMAN GANPAT GAIKWAD
6. GANPAT TUKARAM GAIKWAD
7. SHUBHAM MADHAVRAO KAMBLE
8. SUMIT MILIND BHANDARE
9. ASMITA GANPAT GAIKWAD (ASMITA KAMBLE)

VERSUS

1. The State of Maharashtra.
2. Soni Gautam Nitnaware.

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Mr. N. T. Tribhuwan, Advocate for the Applicants.

Mr. C. V. Bhadane, A.P.P. for respondent No.1/ State.

Mr. S. P. Nimbalkar, Advocate for Respondent No.2 (appointed).

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CORAM : SUSHIL M. GHODESWAR, J.

DATE : 23 October 2026

Per Court :-

1. The applicants have approached this Court under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, seeking quashing of FIR bearing Crime No.342 of 2025 dated 21.08.2025 registered with the Cantonment (Chavani) Police Station, Chhatrapati Sambhajinagar, for the offences punishable under Section 108 of the Bharatiya Nyaya Sanhita, 2023.

2. By way of amendment carried out pursuant to the order of this Court dated 16.04.2026, the applicants also seek quashing of Charge Sheet No. 52 of 2026 filed for the offences punishable under Sections 108 and 3(5) of the BNS and the consequential proceedings bearing R.C.C. No. 751 of 2026 pending before the learned 7th Judicial Magistrate, First Class, Aurangabad (Chhatrapati Sambhajinagar).

3. According to the allegations in the FIR, the deceased Vishal Ashok Jange was the brother of respondent no.2/ informant and the husband of applicant no.1. Their marriage was solemnized on 10.06.2018. There used to be frequent quarrels between the deceased and applicant no.1 over trivial domestic

reasons and there was interference by her maternal relatives. On 29.07.2025, the deceased allegedly called respondent no.2 saying he was missing her. On 04.08.2025, on being informed of a foul smell from the deceased's house, respondent no.2 and her sons went there and found the deceased hanging to the ceiling fan hook. After the last rites, on 20.08.2025, the son of respondent no.2 allegedly charged and opened the deceased's mobile phone and found two video clips recorded on 01.08.2025, in which the deceased stated that he was committing suicide due to mental harassment at the hands of the applicants. Therefore, the FIR came to be lodged on 21.08.2025.

4. The learned counsel for the applicants submits that the entire family of applicant no.1 has been falsely implicated. Applicant no.1 is the wife; applicant nos.2 and 3 are her sister and brother-in-law; applicant no.4 is her aged, bedridden mother; applicant nos.5 and 6 are her elder sister and brother-in-law; applicant no.7 is her nephew; applicant no.8 is the young college-going son of applicant nos.2 and 3; and applicant no.9 is the daughter of applicant nos.5 and 6. Applicant nos.5, 6 and 9 permanently reside at Pune, whereas applicant no.9 is a

Government servant (Food Safety Officer) and applicant no.7 is a student at Hangarga, Taluka Nilanga, District Latur. They had no contact with the deceased. The deceased was addicted to liquor and had driven applicant no.1 out of the house after beating her on 10.06.2025. On 28.07.2025, the deceased himself came to her parental home, assaulted applicant no.1, abused applicant no.2, and threatened to commit suicide and implicate the entire family. Applicant no. 1 lodged N.C.R. No. 1008 of 2025 on 29.07.2025 and also filed the written complaint with the Women Grievance Cell on 29.07.2025, specifically recording the deceased's threat to commit suicide and implicate them. The Sessions Court granted anticipatory bail to all the applicants, finding no *prima facie* material of instigation. Bald and vague allegations are made against the applicants. As such, the present application needs to be allowed.

5. On the other hand, the learned A.P.P. for respondent no.1/State and the learned counsel for respondent no.2 opposed the application submitting that the deceased named the applicants in the video clips dated 01.08.2025 and held them responsible for his suicide. There was no delay as the mobile phone was

examined only on 20.08.2025 and that the charge-sheet having been filed, the application should be rejected.

6. After hearing the parties and upon going through the FIR and the charge-sheet papers, it appears that respondent no.2/ informant has made the allegations after delay of 17 days from the incident, mainly on the basis of the two video clips dated 01.08.2025 allegedly found in the deceased's mobile phone. A perusal of the contents of the video clips reproduced in the FIR reveals that in the first clip the deceased generally stated that the applicants had given him mental trouble and would be responsible for his death. In the second clip, the deceased alleged that his mother-in-law had once raised a footwear at him and that his sisters-in-law and brothers-in-law used to tell his wife to return to her maternal home if she could not get along with him. It is alleged in the video clip that the two young nephews spoke to him disrespectfully and that despite his ill health, his wife had switched off her phone, preferred working at a private company, and had left the house five times in eight years. It thus, appears that the allegations are vague and general in nature, and are made out of matrimonial dispute and separation of husband and wife.

7. The record reveals that there are police complaints and N.C.R.s lodged by applicant nos.1 and 2 on 28.07.2025 and 29.07.2025 i.e. prior to few days of the suicide and these complaints lodged by applicant Nos.1 and 2 clearly demonstrate that applicant no.1 was residing separately at her parental home since 10.06.2025 and that on 28.07.2025, it was the deceased who had gone to her parental home, assaulted her, and threatened to commit suicide and implicate her entire family. There is nothing on record to show any contact or interaction between the applicants and the deceased immediately prior to the commission of suicide or any proximate act of incitement on their part. Even in the charge-sheet, the statements of the informant's sons merely reiterate the contents of the FIR, while the sole independent neighbour only speaks of discovering the body on 04.08.2025 and states that he knows nothing further. The mobile phone of the deceased was produced before the police more than two months after the registration of the FIR and the forensic examination report is still not received.

8. In view of the above, the question that falls for determination is whether, the allegations, taken as they are,

disclose the essential ingredients of abetment of suicide within the meaning of Section 45 read with Section 108 of the BNS. The law on this point is well settled. In ***Sanju @ Sanjay Singh Sengar v. State of Madhya Pradesh, (2002) 5 SCC 371***, the Hon'ble Supreme Court held that the word "instigate" denotes incitement or urging to do some drastic or inadvisable action, and that the presence of *mens rea* is a necessary concomitant of instigation. The Hon'ble Supreme Court further held that even if the accused told the deceased "to go and die", that utterance, made during a quarrel, did not constitute instigation, particularly when there was a time gap of about 48 hours between the utterance and the suicide, which gave the deceased sufficient time to reflect. The Hon'ble Supreme Court emphasized that the suicide must be proximate to the act of instigation, and that a mere quarrel or abusive language, without more, does not amount to abetment.

9. The principle of proximity and the strict requirement of mens rea have been consistently applied by the Hon'ble Supreme Court. In ***Gangula Mohan Reddy v. State of Andhra Pradesh, (2010) 1 SCC 750***, the Hon'ble Supreme Court held that abetment involves a mental process of instigating or intentionally

aiding, and without a positive act on the part of the accused to instigate or aid in committing suicide, conviction cannot be sustained. Furthermore, in ***Mahendra Awase v. The State of Madhya Pradesh, 2025 SCC OnLine SC 107 (2025 INSC 76)***, the Hon'ble Supreme Court reiterated that the act of instigation must be in close proximity to the act of suicide, and that if there is a time gap enabling the deceased to reflect, the proximate link is broken. The Hon'ble Supreme Court categorically held that even where the deceased leaves behind a suicide note or a recorded conversation naming the accused, the offence of abetment of suicide is not attracted unless the specific actions attributed to the accused created such circumstances that the deceased was left with no other option except to commit suicide.

10. In the present case, even if the contents of the video clips are accepted at their face value, they disclose nothing more than a recital of past grievances on account of ordinary domestic discord. There is no allegation of any act or utterance by any applicant in the immediate vicinity of 01.08.2025 or 04.08.2025 that could be said to have instigated or provoked the deceased to commit suicide. The deceased had been living separately from

applicant no.1 since 10.06.2025 and the last alleged interaction between the deceased and the applicants was on 28.07.2025, when the deceased himself went to the applicants' house and threatened them. The suicide on 04.08.2025 is thus not proximate to any act of instigation by the applicants, but is separated by sufficient time gap that gave the deceased ample opportunity to reflect. The essential ingredients of abetment under Section 45 read with Section 108 of the BNS are, therefore, wholly absent.

11. In view of the above discussion, the case squarely falls within the parameters laid down by the Hon'ble Supreme Court in ***State of Haryana v. Bhajan Lal, AIR 1992 SC 604***, where the inherent powers can be exercised to prevent abuse of the process of law. Continuation of the criminal proceedings against the applicants would amount to an abuse of the process of law. Hence, I pass the following order:-

ORDER

(a) The Criminal Application is allowed.

(b) FIR bearing Crime No. 342 of 2025 dated 21.08.2025 registered with Cantonment (Chavani) Police Station,

Chhatrapati Sambhajinagar and all consequential proceedings arising out of the said FIR including Charge Sheet No. 52 of 2026 pending as R.C.C. No. 751 of 2026 before the learned 7th Judicial Magistrate First Class, Aurangabad (Chhatrapati Sambhajinagar), are quashed and set aside.

(c) The learned advocate Shri Nimbalkar is appointed to represent respondent No.2 in this matter. Therefore, his fees be quantified and paid to him as per rules, by the High Court Legal Aid Services Sub Committee, Aurangabad Bench.

kps (SUSHIL M. GHODESWAR, J.)