



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 1301 OF 2024

- 1) Nisha D/o. Dilip Wathore,
Age: 20 Years, Occu. Education,
R/o.Maroti Nagar, Hadgaon,
Tq. Hadgaon Dist. Nanded
- 2) Amol S/o. Ramesh Narwade,
Age :32 Years, Occu. Labour,
R/o.Maradga Tq. Hadgaon Dist. Nanded
- 3) Manisha W/o. Amol Narwade,
Age: 28 Years, Occu. Household,
R/o.Maradga Tq. Hadgaon Dist. Nanded
- 4) Dilip S/o. Rajaram Wathore,
Age: 65 Years, Occu. Labouror,
R/o.Maroti Nagar, Hadgaon,
Tq. Hadgaon Dist. Nanded
- 5) Sunita W/o. Dilip Wathore,
Age: 55 Years, Occu. Household,
R/o.Maroti Nagar, Hadgaon,
Tq. Hadgaon Dist. Nanded
- 6) Suresh S/o. Rajaram Wathore,
Age: 48 Years, Occu. Labouror,
R/o.Maroti Nagar, Hadgaon,
Tq. Hadgaon Dist. Nanded
- 7) Ankita D/o. Santosh Wathore,
Age: 19 Years, Occu. Education,
R/o.Maroti Nagar, Hadgaon,
Tq.Hadgaon Dist.Nanded
- 8) Anita W/o. Santosh Wathore,
Age: 40 Years, Occu. Household,
R/o.Maroti Nagar, Hadgaon,
Tq. Hadgaon Dist.Nanded

..APPLICANTS

VERSUS

1. State of Maharashtra
Through Superintendent of Police,
Hingoli
2. The Investigation Officer
Police Station, Akhada Balapur,
Tq. Kalamnuri, Dist. Hingoli
3. Gyanba Sakharam Narwade
Age: 50 years, Occu.: Labouror,
R/o Maradga, Tq. Hadgaon, Dist. Nanded

..RESPONDENTS

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Mr. D.M. Shinde, Advocate for applicants
Mr. V.S. Badakh, A.P.P. for respondent nos.1 and 2
Mr. A.R. Shaikh, Advocate for respondent no.3

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CORAM : RAJNISH R. VYAS, J.
DATE : 07th APRIL, 2026

PER COURT :

. This application challenges the F.I.R. No.93 of 2024 dated 18th February, 2024 registered with Akhada Balapur Police Station, Dist. Hingoli for the offences punishable under Sections 306, 506 and 34 of the Indian Penal Code (hereinafter referred to as 'I.P.C.'), so also final report, order taking cognizance dated 23rd December, 2024 and criminal proceedings i.e. R.C.C. No. 335 of 2024 pending before the Judicial Magistrate First Class, Kalamnuri and Sessions Case No. 6 of 2025 pending before the Sessions Court, Hingoli. In all eight accused are named in the F.I.R. and all of them have preferred the present application. Informant is the Respondent No.3 / Gyanba Narwade.

2. It is the contention of learned counsel for the applicants that though there is absolutely no material available on record, offences under Section 306 as well as 506 and 34 of the I.P.C. were registered against the present applicants. He submitted that according to the case of prosecution, there was love affair between the deceased / Bhaskar and Applicant No.1 / Nisha. As the marriage of Nisha was fixed with some other person, said Bhaskar committed suicide by hanging. He also left two suicide notes which triggered investigation. According to him, even the suicide notes fail to show that there was any abetment on the part of present applicants. He thus prayed for quashing of F.I.R. and criminal proceedings.

3. Per contra, learned counsel for Respondent No.3 / informant has submitted that messages were exchanged between Bhaskar and Nisha, which shows that there was love affair between them, and therefore, Nisha by engaging with some other has instigated abetment of suicide of Bhaskar. He submitted that so far as other applicants are concerned, they are also involved since some of them have threatened Bhaskar to snap the ties with Nisha. He thus prayed for dismissal of the application with further argument that detailed appreciation of evidence is not required at this stage.

4. Learned A.P.P. has supported the arguments advanced by learned counsel for informant and has contended that foundation of the case of

prosecution is the suicide notes and challenge if any to the same can be made during the course of trial. He submitted that abetment is crystal clear from the material brought on record. He, therefore, prayed for dismissal of application.

5. With the help of respective counsels, I have gone through the record of the case.

6. Accused No.1 / Nisha is the girl with whom deceased was in love. Accused No.3 / Manisha is the real married sister of Accused No.1, whereas Accused No.2 / Amol is the husband of Accused No.3. Accused No.4 / Dilip is the father of Accused No.1, whereas Accused No.5 / Sunita is the mother of Accused No.1. Accused No.6 / Suresh is the uncle of Accused No.1, whereas Accused No.7 / Ankita and Accused No.8 / Anita, who is mother of Accused No.7, are relatives of Accused No.1.

7. Bhaskar had committed suicide on 16th February, 2024 by hanging. The informant / father of deceased had then lodged the report with the police station alleging that his son was having love affair since two years with Accused No.1 / Nisha and both had decided to marry. The marriage was objected by the parents of Accused No.1. It is alleged in the F.I.R. that on 16th February, 2024 when the informant alongwith his wife and son / deceased were at their house, Accused No.6 / Suresh and his relatives telephonically

called Bhaskar and asked him to snap the ties with Accused No.1 / Nisha, else threatened that he would be abducted and nobody would know of it. They also threatened him that he would be implicated as an accused in a false case. As the telephone was on speaker mode, the conversation was heard by the informant. Thereafter the call was disconnected and the deceased was under fear. At that time the informant and his wife tried to convince the deceased, who took rest in the house till 04:00 noon. At 05:00 p.m. he went out of the house and at about 07:15 p.m. he was found hanging in the agricultural field. It was also revealed that the deceased had kept the photographs of Accused No.1 as his Whats App status and has also uploaded one message. In the said message it was written by the deceased that Accused No.1 had created drama of love and affection and cheated him. It was also stated in the message that though she promised to perform marriage, she went to Nashik and fixed her marriage with the third person. It was also stated in the said message that for the aforesaid act accused – Amol, Manisha and mother of Anikta are responsible. It was also requested in the message that Accused No.1 be punished. It is in this background, the criminal law was set in motion.

8. During the course of investigation, two suicide notes were seized by the police authorities. The said suicide notes bears no date. In the first suicide note it is stated that “Accused No.1 had entangled the deceased in love affair and had taken money from him. Though she was ready to perform

marriage with him, Accused No.3 / Manisha, by advancing false reason, duped the deceased and Accused No.2 / Amol threatened him. It was also stated that Accused No.8 / Anita and parents of Accused No.1, so also Accused No.1 are responsible for his death. It was also stated that Nisha by flattery talks duped him. She shown dream regarding marriage, but same was fixed with some other person.

It is also mentioned in the suicide note that the proofs regarding the same are with him and on his Instagram ID. It was also stated in the suicide note that the deceased was given assurance that if marriage with some other person is performed by her parents, she would kill herself. It was further stated in the suicide note that in his mobile there is recording of conversation by name Manisha Vahini showing cheating done by Nisha and there is also recording of Amol. It was then stated that due to Nisha Dilip Wathore he is committing suicide. There are four persons involved in the matter, one is Manisha, second is Nisha, third is Amol and forth is aunt of Manisha. It is due to all these four persons he is committing suicide.”

9. At this stage it is necessary to mention here that translation of this suicide note would reveal that Accused No.1 / Nisha was having love affair with the deceased and she had promised to marry him. It is also stated that some amount was also taken by her from the deceased. According to the suicide note, though promise was made by Accused No./1 regarding marriage

and various messages were exchanged on Instagram, surprisingly Accused No.1 / Nisha fixed her marriage with some other person.

10. The second suicide note also speaks about same version which is advanced in the first suicide note. Suffice it to say that the suicide note nowhere shows that there was any abetment at the hands of present applicants. The statements of witnesses recorded also show that there was love affair between the deceased and Accused No.1 and they had decided to marry, but idea of the said marriage was opposed by the parents and relatives of Accused No.1 / Nisha. Thus, it is crystal clear that the proposal of marriage was not accepted by the parents of Accused No.1. The question is whether the said act would amount to abetment as defined under Section 107 of the I.P.C. Law in this regard is crystal clear. The Hon'ble Apex Court in case of ***Yadwinder Singh @ Sunny Vs. State of Punjab and Anr.*** In Criminal Appeal No. of 2025 (@ Petition for Special Leave to Appeal (Crl.) No. 7309 of 2025 dated 27th October, 2025 has settled the law, more particularly in paragraph nos. 15 to 19 has observed :-

“15. By now the position of law insofar as abetment of suicide is concerned is well settled. Even if we accept the entire case put up by the prosecution as it is without adding anything or subtracting, we are of the view that none of the ingredients to constitute the offence of abetment punishable under Section 306 of the IPC are borne out.

16. This Court in the case of *“Nipun Aneja and Others Versus State of Uttar Pradesh”* reported in SCC OnLine SC 4091 has succinctly explained the Principles of law governing abetment. We quote the relevant observations as under:-

“13. The law governing Section 306 of the IPC is well settled. Section 306 of the IPC reads as under:—

“306. Abetment of suicide. —If any person commits suicide, whoever abets the commission of such suicide, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.”

14. Thus, the basic ingredients to constitute an offence under Section 306 of the IPC are suicidal death and abetment thereof. Abetment of a thing is defined under Section 107 of the IPC as under:—

“107. Abetment of a thing.— A person abets the doing of a thing, who—

First. — Instigates any person to do that thing; or

Secondly.— Engages with one or more other person or persons in any conspiracy for the doing of that thing, if an act or illegal omission takes place in pursuance of that conspiracy, and in order to the doing of that thing; or

Thirdly.— Intentionally aids, by any act or illegal omission, the doing of that thing.

Explanation 1.— A person who by wilful misrepresentation, or by wilful concealment of a material fact which he is bound to disclose, voluntarily causes or procures, or attempts to cause or procure, a thing to be done, is said to instigate the doing of that thing.

Explanation 2.— Whoever, either prior to or at the time of the commission of an act, does anything in order to facilitate the commission of that act, and thereby facilitate the commission thereof, is said to aid the doing of that act.”

17. This Court in Geo Varghese v. State of Rajasthan, (2021) 19 SCC 144, after considering the provisions of Section 306 of the IPC along with the definition of abetment under Section 107 of the IPC, has observed as under:— “14.

Section 306 of IPC makes abetment of suicide a criminal offence and prescribes punishment for the same.

15. The ordinary dictionary meaning of the word ‘instigate’ is to bring about or initiate, incite someone to do something. This Court in Ramesh Kumar v. State of Chhattisgarh, (2001) 9 SCC 618, has defined the word ‘instigate’ as under:

“20. Instigation is to goad, urge forward, provoke, incite or encourage to do “an act”.

16. The scope and ambit of Section 107 IPC and its correlation with Section 306 IPC has been discussed repeatedly by this Court. In the case of S.S. Cheena v. Vijay Kumar Mahajan (2010) 12 SCC 190, it was observed as under:—

“25. Abetment involves a mental process of instigating a person or intentionally aiding a person in doing of a thing. Without a positive act on the part of the accused to instigate or aid in committing suicide, conviction cannot be sustained. The intention of the legislature and the ratio of the cases decided by the Supreme Court is clear that in order to convict a person under Section 306 IPC there has to be a clear mens rea to commit the offence. It also requires an active act or direct act which led the deceased to commit suicide seeing no option and that act must have been intended to push the deceased into such a position that he committed suicide.” (emphasis supplied)

17. Thus, the ingredients to constitute an offence under Section 306 of the IPC would stand fulfilled if the suicide is committed by the deceased due to direct and alarming encouragement/ incitement by the accused leaving no option but to commit suicide. The act of instigation as alleged must be with the intention to push the deceased into such a situation that she is left with no other option but to commit suicide.

18. In the case on hand, even if we believe that the appellant due to opposition and pressure from his family declined

to get married with the deceased, it could not be said that he led to a situation by which the deceased was left with no other option but to commit the suicide. The appellant could not be said to have intended the consequences of his act namely suicide. It is very sad to note that a young girl took the extreme step of ending her life. It is possible that she might have felt hurt. One sensitive moment took away the life of a young girl. However, as judges we should not allow our minds get boggled with such thoughts. We are obliged to decide the matter on the basis of the evidence on record. In other words whether the allegations levelled constitute any offence. Mere refusal to marry even if true by itself would not amount to instigation as explained under Section 107 of the IPC.”

11. If the material in the present matter is appreciated in the aforesaid observations of the Apex Court, it would be crystal clear that nothing has been brought on record by prosecution to show that the deceased was left with no option but to commit suicide, by the act committed by the accused persons. Mere refusal to marry, even if true by itself, would not amount to instigation as explained under Section 107 of the I.P.C. The act of relatives in asking the deceased to snap the ties with Accused No.1 would not be enough to attract the ingredients of offence punishable under Section 107 of the I.P.C. Thus, it can be said that the material brought on record falls short to attract the ingredients of offences registered.

12. The record clearly shows that the prosecution has not brought enough material to show prima facie case which is available against the

present applicants. In the peculiar facts and circumstances of the case, refusal to perform marriage would not constitute abetment and consequently offence punishable under Section 306 of the I.P.C. cannot be made out. In that view of the matter, following order is passed :-

ORDER

(I) Criminal application is allowed.

(II) F.I.R. No.93 of 2024 dated 18th February, 2024 registered with Akhada Balapur Police Station, Dist. Hingoli for the offences punishable under Sections 306, 506 and 34 of the Indian Penal Code, so also final report, order take cognizance dated 23rd December, 2024 and criminal proceedings i.e. R.C.C. No. 335 of 2024 pending before the Judicial Magistrate First Class, Kalamnuri and Sessions Case No. 6 of 2025 pending before the Sessions Court, Hingoli are quashed and set aside.

(RAJNISH R. VYAS, J.)

SSD