



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

927 CRIMINAL APPLICATION NO. 1572 OF 2024

1. Balasaheb Maruti Kolge
Age: 52 yrs, Occ. Agri.,
R/o. Palaswadi,
Tq. & Dist. Osmanabad.

2. Rohit Balasaheb Kolge,
Age: 24 yrs, Occu. Agri.,
R/o. As Above.

3. Nanasaheb Suresh Kolge,
Age: 32 yrs., Occu. Agri.,
R/o. As Above.

....Applicants

VERSUS

1. The State of Maharashtra
Through Police Station Officer
Dharashiv(Osmanabad) Rural Police Station
Dist. Osmanabad.

2. Shahaji Vasant Shirsat
Age: Major, occu. Agri.
R/o. Palaswadi
Tq. & Dist. Dharashiv (Osmanabad).

.....Respondents

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Mr. More Abhijit S., Advocate for Applicants

Mr. R. D. Raut, APP for the Respondents – State

Mr. Vilas Savant, Advocate for Respondent No.2 (Appointed)

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CORAM : NEERAJ P. DHOTE, J.

DATE : 21.04.2026

PER COURT :

1. This is an Application under Section 482 of the Code of Criminal Procedure, 1973 (hereinafter referred to as 'Cr.PC') for quashing Crime No.19/2024, registered with the Dharashiv Rural Police Station, for the offence punishable under Sections 306, 504 and 506 read with Section 34 of the Indian Penal Code, 1860 (hereinafter referred to as 'IPC') and consequential charge-sheet culminated in R.C.C. No.211/2024, pending before the learned Magistrate at Dharashiv (Osmanabad).

2. The aforesaid Crime is registered on the report lodged by Respondent No.2. The Respondent No.2 is the Uncle of Deceased - Shivam Satish Shirsat. It is the Prosecution's case that, four (04) months prior to the lodging of the aforesaid Crime / FIR, the Crime was registered against the Informant, his family members and the Deceased – Shivam for the offence punishable under Section 307 of IPC. The same Crime was registered on the report lodged by Applicant No.1. The Deceased was a minor at the time of registration of the said Crime. On 18.01.2024 at 10:00 a.m., the Applicants threatened the Deceased that, they will cancel the bail granted to his father and family members and as he has completed eighteen (18) years of age, they will cause him to arrest and put

behind the bars. The Deceased came home and disclosed the said incident to the Informant – Uncle. After some time, on the same day in the evening, the Informant came to know that, the Deceased committed suicide by hanging himself on the roof of their house. Thus, it is the Prosecution's case that, due to the harassment by the Applicants, the Deceased has committed suicide.

3. Heard the learned Advocate for the Applicants, learned APP for Respondent No.1 – State and the learned Advocate for Respondent No.2. With their assistance, perused the papers on record.

4. It is submitted by the learned Advocate for the Applicants that, accepting the Prosecution's case as it is, the essential ingredients for the offence punishable under Section 306 of IPC are not made out. There is statement of one girl which shows that, the Deceased and the girl were in relations and few days prior to the suicide, the said girl had blocked the cell number of the Deceased and therefore, the Deceased had committed suicide due to disturbed mental state. Making the Applicants to face trial on the basis of the material on record would amount to abuse of the process of law. In support of his submissions, he relied on the following decisions :

- [I] **Abhinav Mohan Delkar Vs. State of Maharashtra and Others ; AIR 2025 SC (Criminal) 1229 ;**
- [II] **Swamy Prahladdas Vs. State of M.P. ; AIR Online 1995 SC 94 ;**
- [III] **Suresh Hindurao Patil, Maitri CHS Vs. State of Maharashtra ; 2019 (6) MhLJ (Crl) 777 ;**
- [IV] **Aruna Ajaykumar Kapkar Vs. State of Maharashtra and Ors. ; 2023 NCBHC-NAG 12554;**
- [V] **Mohit Singhal & Anr. Vs. The State of Uttarakhand & Ors. passed in Criminal Appeal No.3578/2023 by the Hon'ble Apex Court; 2023 INSC 1035 ;**
- [VI] **Hardas Uttamrao Ghule and Ors. Vs. The State of Maharashtra and Anr. ; passed by this Court Court in Criminal Writ Petition No.674/2022 on 18.03.2024 ;**

5. It is submitted by the learned APP that, the FIR which is lodged by the Uncle of Deceased clearly shows that, due to the threats by the Applicants, the Deceased committed suicide. The Deceased was a boy of eighteen (18) years and young man with different psychology. The statements of witnesses support the Prosecution's case registered on the report lodged by the Informant. No case exits for quashing the FIR and the proceedings.

6. It is submitted by the learned Advocate for Respondent No.2 that, because of the treatment given by the Applicants, the Deceased committed suicide. The FIR speaks of the acts committed by the Applicants. The material on record shows that, the Applicants abetted the commissions of suicide and no interference was called for. Hence, the Application deserves to be dismissed.

7. Perusal of the aforesaid decisions shows that, to attract the offence punishable under Section 306 of IPC, it is necessary to show the direct or indirect acts of instigation or incitement of suicide by the Accused, which must be in close proximity to the commission of suicide by the Deceased and *mens rea* was necessary requirement to show abetment to commit suicide. There cannot be any dispute in respect of the settled legal position enumerated in the above-referred decisions, which are in respect of offence of abetment to suicide. There also cannot be any dispute on the settled legal position that, when the allegations made in the FIR or the Complaint, even if they are taken at their face value and accepted in their entirety, do not prima facie constitute any offence or make out a case against the Accused, the criminal proceedings can be quashed by exercising the powers under Section 482 of Cr.PC.

8. Coming to the case at hand, it is the Prosecution's case that, due to the threatening by the Applicants to cancel the bail and put the Deceased and the family members behind the bars, the Deceased committed suicide by hanging. The said allegations are made against all the Applicants, as seen from the FIR. The said act on the part of the Applicants is not of such a nature that, the Deceased had no other alternative, but to commit suicide. The Deceased, though was of eighteen (18) years of age, was residing with his family members. The said allegations against the Applicants do not attract the act of abetment. Undisputedly, the charge-sheet contains the statement by one girl showing that, the Deceased and she were known to each other since June – 2023 when they were attending coaching classes. The statement of the said witness shows that, she had blocked the mobile number of the Deceased from 25th December. The Inquest shows that, the Deceased had engraved the name of the said girl on his hand. Be that as it may. The material brought on record by the Investigating Officer falls short of attracting the offence under which the Crime is registered against the Applicants. Accepting the said case of Prosecution as it is, it lacks the essential ingredients to attract abetment as contemplated under Section 107 of IPC. Taking the Prosecution's case as it is, there is absence of *mens rea* on the part

of the Applicants. Thus, permitting the trial to proceed against the Applicants on the basis of the charge-sheet or the material on record, would be an abuse of the process of law. Considering the facts and circumstances of the case, in my considered view, this is a fit case to exercise the powers under Section 482 of Cr.PC to quash the FIR and consequential proceedings. Hence, the following order :

ORDER

[I] The Criminal Application is allowed in terms of Prayer Clauses – ‘B’ and ‘B-1’, which read as under : -

“[B] This Hon’ble High Court may be pleased to quash and set aside the impugned F.I.R. bearing Crime No.19/2024 registered at Dharashiv (Osamanabad) Rural Police Station, Dtd 19.01.2024 for the offence punishable u/s. 306, 504, 506 r/w. 34 of Indian Penal Code and for that purpose, necessary orders may kindly be issued.

[B-1] This Hon’ble Court may be pleased to quash and set aside the impugned charge sheet bearing No.127/2024 and further proceedings pending before Ld. Session - Judge at. Osmanabad bearing R.C.C. No 211/2024 filed in pursuance of the crime registered at Anandnagar Police Station for the offence punishable u/s. 306, 504, 506 r/w 34 of Indian penal code and for that purpose necessary orders may kindly be issued.”

[II] The fee of learned Advocate Mr. Vilas Savant appointed for Respondent No.2 is quantified at Rs.12,000/- (Rupees Twelve Thousand) to be paid by the High Court Legal Services Sub-Committee, Aurangabad.

[III] Criminal Application is disposed of accordingly.

[NEERAJ P. DHOTE, J.]

Sameer/April-2026