



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 2450 OF 2024

Anjali Pradiprao Ghate

..APPLICANT

VERSUS

State of Maharashtra and Another

..RESPONDENTS

....
Mr. D.M. Shinde, Advocate for applicant
Mr. V.S. Badakh, A.P.P. for respondent no.1 – State
Mr. D.K. Dagadkhair, Advocate for respondent no.2
....

CORAM : RAJNISH R. VYAS, J.
DATE : 10th APRIL, 2026

PER COURT :

. Challenging the registration of F.I.R. No. 717 of 2024 dated 04th April, 2024 registered with Nanalpeth Police Station, Dist. Parbhani for the offences punishable under Section 306 and 34 of the Indian Penal Code and consequent proceedings, the applicant/Accused No.4 has invoked inherent jurisdiction of this Court.

2. In the F.I.R. total eight accused persons were named. After completion of investigation, charge-sheet is filed and order taking cognizance was passed. The said order is also taken exception to in the present proceedings.

3. Learned counsel for the applicant has submitted that bare perusal of the charge-sheet as well as the suicide note produced on record by learned A.P.P. would reveal that ingredients of offences registered are not at all made out from the charge-sheet. He contended that abetment as defined under Section 107 of the I.P.C. is missing, and therefore, continuation of prosecution would not be in the interest of justice.

4. Per contra, learned counsel for the Respondent No.2 has contended that the version advanced in the F.I.R. is duly supported by the suicide note which is written by the deceased. He further submitted that the report of handwriting expert is awaited, and therefore, present application may not be entertained.

5. Learned A.P.P. has also supported the stand taken by learned counsel for Respondent No.2 and has contended that whether there was instigation or not can be tested during the course of trial and since powers under Section 482 of Code of Criminal Procedure are required to be exercised in exceptional circumstances, conducting mini trial at this stage would not be permissible. He, therefore, prayed for rejection of application.

6. With the help of respective counsels, I have gone through the record of the case and have also given my thoughtful consideration to the arguments advanced.

7. The criminal law was set in motion on the basis of information supplied by Respondent No.2 / Sangita Kamble, on the basis of which offences against the accused came to be registered. As already stated, the present applicant / Anjali is Accused No.4, who has approached this Court. In the F.I.R. it is alleged by the informant that she had two sons, Chiranjivi @ Pammi, 34 years and Sankalp, 32 years. As said Chiranjivi @ Pammi committed suicide on 27th March, 2024, report was lodged.

8. It is alleged in the F.I.R. that Chiranjivi was working on monthly salary of Rs.15,000/- with a private company and he had love affair with the present applicant. The applicant and Chiranjivi had agreed to perform marriage, but ignoring the commitment, the applicant performed marriage with some other person on 05th June, 2023. According to the F.I.R., due to aforesaid aspect, Chiranjivi used to remain under mental tension. It is alleged that on 26th November, 2023 marriage of Chiranjivi was performed with one Pooja / Accused No.1, who was informed before the marriage about the love affair of applicant and Chiranjivi.

9. It is further alleged that after marriage, for 7-8 days Pooja resided with the informant and family, but used to humiliate and abuse Chiranjivi by saying that they are poor and are not of her standard. It was also alleged that she used to quarrel with the informant and Chiranjivi frequently and also

used to harass them. It was also stated that eight days thereafter she left for her parent's place and did not return. The informant then called her but she used to advance reasons that Chiranjivi was not man enough and also humiliated him. It was also alleged in the F.I.R. that the informant then requested family members of Pooja to convince her, but all of them also humiliated Chiranjivi. According to the F.I.R. on 25th March, 2024, the informant and Chiranjivi had been to the sister of informant viz. Suman Uphade for counseling/seeking advise.

10. According to the F.I.R., the present applicant alongwith her lover / Accused No.5 in the month of January 2024 had called Chiranjivi @ Pammi telephonically from which time Chiranjivi was under tension.

11. It was alleged that on 27th March, 2024, the informant had gone to meet her son Sankalp at Aurangabad. On 29th March, 2024 at about 10:30 a.m. she received a telephone call from Chiranjivi, who asked her to come on the next day, but the informant returned on the same day as there was marriage ceremony. When the informant was at the railway station, she received a telephone call from the employer of Chiranjivi, who told her that Chiranjivi had fallen ill and called her immediately. On 29th March, 2024 at 04:00 p.m. when the informant came, she noticed crowd near her house. On entering the house she found Chiranjivi had hanged himself.

12. On 30th March, 2024, according to the informant, suicide note was found which was written in a notebook in which Chiranjivi had stated that it is due to the accused persons he had committed suicide. It is in this background, the offences as stated above are registered.

13. At this stage it is necessary to mention here that the learned A.P.P. has tendered the suicide note across the bar, which runs into 15 pages. The suicide note alongwith the covering letter is taken on record and marked 'X' for identification. In the first paragraph of the suicide note it is mentioned that it is his wife / Pooja, her mother, father, maternal aunt / Kamal Patole, Namrata Kamble, maternal cousin / Akash Patole who are responsible for his death. The suicide note then further states that the aforesaid persons have not allowed him to live life happily. He has also apologized his mother for the difficulty she had faced in the life. The suicide note also requests his mother and father to take care of themselves. It is stated that beginning of his death has happened due to the present applicant and accused Milind Bhalerao. It is also stated that these two persons have disturbed his life.

14. At this stage it is necessary to mention here that during the course of investigation, statements of various persons are recorded including Sanjay, who is the father of deceased, Mohd. Zahir and Satish Jadhav. The gist of statements of these witnesses can be said to be that Chiranjivi had committed

suicide by hanging and door was required to be broke open. The statements further shows that Chiranjivi was having love affair with the present applicant. The postmortem report shows that cause of death is due to asphyxin due to hanging.

15. In this background, if the complaint and suicide note are perused, it would reveal that initially Accused No.1 and her relatives were blamed for mental harassment of Chiranjivi. So far as present applicant is concerned, it is stated that earlier she was having love affair with Chiranjivi and had also agreed to perform marriage with him, but thereafter got married with some other person. Refusal to marry, in peculiar facts of the case, would not amount to instigation as defined under Section 107 of the I.P.C. Section 107 of I.P.C. reads 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.”

16. Perusal of aforesaid section would reveal that there has to be an act on the part of the accused person or instigation for commission of suicide. Neither there is proximity between the alleged phone call and the suicide

committed by Chiranjivi nor it can be said that the present applicant by refusing to marry has instigated the crime. At this stage commenting anything upon the role played by the other accused would not be necessary considering the fact that it may affect the outcome of the proceedings.

17. Suffice it to say that the prosecution has not brought anything on record to show that the present applicant was responsible for the suicide of Chiranjivi. 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.”

18. If in the aforesaid background the facts of the present case are considered, it would be crystal clear that the prosecution has not brought anything on record to show that prima facie case is made out against the present applicant. Just because report of the handwriting expert is not yet received, it would not be a ground enough to connect the present applicant with the offence committed. Neither the suicide note nor the material brought on record would show that the applicant has instigated the crime or created such circumstances left the accused with no other option but to commit suicide. Contention of learned A.P.P. that mini trial at this stage cannot be conducted, suffice it to say that scrutiny of material for verifying whether prima facie case exists or not, would not amount to conducting mini trial. In that view of the matter, following order is passed :-

ORDER

- (I) Criminal application is allowed.
- (II) F.I.R. No. 171 of 2024 dated 04th April, 2024 registered with Nanalpeth Police Station, Dist. Parbhani for the offences punishable under Sections 306 and 34 of the Indian Penal

Code, charge-sheet No. 321 of 2024 dated 13th August, 2024, order taking cognizance dated 21st August, 2024 and R.C.C. No. 513 of 2024 pending before the Court of Judicial Magistrate First Class, Parbhani are quashed and set aside, qua the present applicant.

(RAJNISH R. VYAS, J.)

SSD