

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

32 CRIMINAL APPLICATION NO. 2501 OF 2024

Arun Nivrutti Shenkar And Others

VERSUS

The State Of Maharashtra And Another

...

Mr. Sartaj H. Pathan h/f Mr. Vinod Y. Bhide - Advocate for Applicants

Mr. R. D. Raut - APP for the State

...

CORAM : NEERAJ P DHOTE, J.

DATED : 27TH APRIL, 2026

PER COURT : -

1. By this Application under Section 482 of the Criminal

Procedure Code, 1973, the Applicants seek the following reliefs:

“B’. be pleased to quash and set aside the FIR 0122/2022 dated 26/03/2022 registered with the Akole Police Station, Akole, Tal- Akole, Dist- Ahmednagar against all the Applicants herein for the offences punishable u/s 306, 34 of Indian Penal Code, 1860;

C. be pleased to quash and set aside the consequential criminal proceeding Sessions Case No. 05/2023 arising out of the same FIR pending on the file of Ld. Addl. Sessions Judge, Sangamner against all the Applicants;

C1. Be pleased to quash and set aside the summons / issue process Order dated 23.08.2022 against the present applicants passed by the Ld. Judicial Magistrate First Class, Akole in RCC No. 195/2022;”

2. Heard the learned Advocate for the Applicants and the

learned APP for the State. None for Respondent No. 2, though served.

With the assistance of both the sides, perused the papers on record.

3. It is the case of the prosecution that, the aforesaid crime has been registered on the report lodged by the father of the deceased, Chaitanya. The informant and the applicants have been residing in close proximity since 2017. The deceased and the daughter of Applicant Nos. 1 and 2 were known to each other and were in a love relationship. The deceased wanted to marry her, and the family members of the deceased were ready for the said marriage. However, the applicants were not willing for the same. The applicants, from time to time, used to ask the deceased to sever his relationship with the daughter of Applicant Nos. 1 and 2, failing which he would be killed. However, the deceased continued to make phone calls to the girl. Eventually, due to the said threats from the applicants, the deceased committed suicide by hanging himself in his own house. The matter was reported to the police, and accordingly, the aforesaid crime came to be registered.

4. It is submitted by the learned Advocate for the applicants that, even if the prosecution's case is accepted as it is, there is no material to attract the offence punishable under Section 306 of the Indian Penal Code. The statement of the girl goes to show that, she did not want to marry the deceased and that they were merely friends. The suicide note seized during the course of the investigation does not make out the offence of abetment of suicide. Asking the applicants to face trial on the basis of the prosecution's case would amount to abuse of the

process of law and, therefore, the application deserves to be allowed. In support of his submissions, he relied upon the judgments in *Laxmi Das Versus The State of West Bengal & Ors., Criminal Appeal No. 706 of 2017, decided by the Hon'ble Supreme Court of India 21st January, 2025, Yadwinder Singh @Sunny Versus State of Punjab & Anr., Criminal Appeal No. of 2025 (@ Petition for Special Leave to Appeal (Crl.) No. 7309 of 2025), decided by the Hon'ble Apex Court 27th October, 2025 and Geo Varghese Versus The State of Rajasthan & Anr., Criminal Appeal No. 1164 of 2021 (Arising out of S.L.P. (Crl.) No. 4512 of 2019) decided on 5th October, 2021.*

5. It is submitted by the learned APP that, the FIR and the suicide note show that, due to the threats extended by the Applicants, the Deceased committed suicide. It was revealed during the course of the investigation that, there were several phone calls between the deceased and Applicant No. 4, Ganesh Nehe, who is the maternal uncle of the girl, as well as phone calls between the deceased and the girl. The phone call details were awaited. The applicants have an effective remedy before the learned Trial Court for seeking discharge. The application, being meritless, deserves to be dismissed.

6. The Charge-sheet is filed for the offence punishable under Section 306 of the IPC, which reads thus:

Section 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.

6.1. Section 107 of the IPC reads thus:

Section 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.

7. In *Laxmi Das* (supra), the appeal was preferred against an order quashing the charge-sheet for the offence punishable under Section 306 read with Section 34 of the Indian Penal Code. The prosecution case was that, there was a love affair between the deceased, Souma Pal, and Accused No. 1 (Babu Das). The deceased committed suicide on 03.07.2008, and the FIR for abetment of suicide was lodged. It was the prosecution's case that, the deceased's family was unhappy with the said relationship and wanted her to concentrate on her studies. On account of this, they requested Babu Das and the other accused persons to help them in ending the relationship, however, the accused persons refused to cooperate. Thereafter, the proceedings came to be initiated and a charge-sheet was filed. The relevant paragraphs from the said judgment are reproduced below: -

7. Section 306 IPC is reproduced below for ready reference:

“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.”

We must read Section 306 IPC with Section 107 IPC which defines ‘Abetment’; and it reads as below:

“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 facilitates the commission thereof, is said to aid the doing of that act.”

8. When Section 306 IPC is read with Section 107 IPC, it is clear that there must be (i) direct or indirect instigation; (ii) in close proximity to the commission of suicide; along with (iii) clear mens rea to abet the commission of suicide.
9. The Appellant has placed strong reliance upon the judgement in Rohini Sudarshan Gangurde v. State of Maharashtra and Another¹, wherein this Court has interpreted Sections 306 and 107 IPC together and observed:

“8. Reading these sections together would indicate that there must be either an instigation, or an engagement or intentional aid to ‘doing of a thing’. When we apply these three criteria to Section 306, it means that the accused must have encouraged the person to commit suicide or engaged in conspiracy with others to encourage Rohini Sudarshan Gangurde v. State of Maharashtra, 2024 SCC OnLine SC 1701 the person to commit suicide or acted

(or failed to act) intentionally to aid the person to commit suicide.

...

13. *After carefully considering the facts and evidence recorded by the courts below and the legal position established through statutory and judicial pronouncements, we are of the view that there is no proximate link between the marital dispute in the marriage of deceased with appellant and the commission of suicide. The prosecution has failed to collect any evidence to substantiate the allegations against the appellant. The appellant has not played any active role or any positive or direct act to instigate or aid the deceased in committing suicide. Neither the statement of the complainant nor that of the colleagues of the deceased as recorded by the Investigating Officer during investigation suggest any kind of instigation by the appellant to abet the commission of suicide. There is no allegation against the appellant of suggesting the deceased to commit suicide at any time prior to the commission of suicide by her husband."*
10. In *Prakash and Others v. The State of Maharashtra and Another*², this Court has further interpreted the offence as below:
 - "13. *Section 306 of the IPC has two basic ingredients-first, an act of suicide by one person and second, the abetment to the said act by another person(s). In order to sustain a charge under Section 306 of the IPC, it must necessarily be proved that the accused person has contributed to the suicide by the deceased by some direct or indirect act. To prove such contribution or involvement, one of the three conditions outlined in Section 107 of the IPC has to be satisfied.*
 14. *Section 306 read with Section 107 of IPC, has been interpreted, time and again, and its principles are well- established. To attract the offence of abetment to suicide, it is important to establish proof of 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. Such instigation or incitement should reveal a clear mens rea to abet the commission of suicide and should put the victim in such a position that he/she would have no other option but to commit suicide."*
11. *At this juncture, it is pertinent to refer to cases that define the act of 'instigation'. Accordingly, in Ramesh Kumar v. State of Chhattisgarh*³, this Court observed:

“20. Instigation is to goad, urge forward, provoke, incite or encourage to do “an act”. To satisfy the requirement of instigation though it is not necessary that actual words must be used to that effect or what constitutes instigation must necessarily and specifically be suggestive of the consequence. Yet a reasonable certainty to incite the consequence must be capable of being spelt out. The present one is not a case where the accused had by his acts or omission or by a Ramesh Kumar v. State of Chhattisgarh, (2001) 9 SCC 618 continued course of conduct created such circumstances that the deceased was left with no other option except to commit suicide in which case an instigation may have been inferred. A word uttered in the fit of anger or emotion without intending the consequences to actually follow cannot be said to be instigation.”

12. *Reliance is to be placed upon Pawan Kumar v. State of Himachal Pradesh⁴, wherein the Supreme Court held:*

“43. Keeping in view the aforesaid legal position, we are required to address whether there has been abetment in committing suicide. Be it clearly stated that mere allegation of harassment without any positive action in proximity to the time of occurrence on the part of the accused that led a person to commit suicide, a conviction in terms of Section 306 IPC is not sustainable. A casual remark that is likely to cause harassment in ordinary course of things will not come within the purview of instigation. A mere reprimand or a word in a fit of anger will not earn the status of abetment. There has to be positive action that creates a situation for the victim to put an end to life.”

13. *Upon a perusal of several aforementioned judicial pronouncements, we find ourselves unable to agree with the High Court and Trial Court. Even if all evidence on record, including the chargesheet and the witness statements, are taken to be correct, there is not an iota of evidence against the Appellant. We Pawan Kumar v. State of Himachal Pradesh, (2017) 7 SCC 780 find that the acts of the Appellant are too remote and indirect to constitute the offense under Section 306 IPC. There is no allegation against the Appellant of a nature that the deceased was left with no alternative but to commit the unfortunate act of committing suicide.*
14. *It is discerned from the record that the Appellant along with her family did not attempt to put any pressure on the deceased to end the relationship between her and Babu Das. In fact, it was the deceased's family that was unhappy with the relationship. Even if the Appellant expressed her disapproval towards the marriage of Babu Das and the deceased, it does not rise to the level of direct or indirect instigation*

of abetting suicide. Further, a remark such as asking the deceased to not be alive if she cannot live without marrying her lover will also not gain the status of abetment. There needs to be a positive act that creates an environment where the deceased is pushed to an edge in order to sustain the charge of Section 306 IPC.

8. In *Yadwinder Singh* (supra), the appeal was against the judgment and order passed by the High Court in a quashing petition seeking quashment of the FIR for the offence punishable under Section 306 of the IPC. The relevant paragraph showing the prosecution's case therein is reproduced below:

4. *It appears that two days later from the date of registration of the FIR the mother of the deceased gave a supplementary statement before the Police under Section 161 of the Cr.PC. The same reads thus:-*

“Supplementary Statement of Surinder Kaur wife of Ravinder Singh caste Jat, resident of H.No. C-21, Officers Enclave Near Thumbs Up Factory, P.S. Chheharta, Amritsar under section 161 CR.PC. It is stated that I am the resident of above said address. I have come present in the police station before you. I have got registered FIR with you on 07.11.2016. At that time I was in shock and I had failed to get it written that on 6.11.2016 my daughter was studying in the upper room and at that time she talked with Yadwinder Singh alias Sunny number of times on telephone. The mobile numbers of my daughter are 97800 35273, 79865 22566, and the mobile numbers of Yadwinder Singh are 99883 65869 and 78371 25400. Both of them had sent messages to each other on telephone. When I and Tejinder Singh were taking my daughter Pardeep Kaur to the Hospital, then at that time, my nephew Rupinder Singh son of Gurbachan Singh, resident of Rattoke, District Tarn Taran had suddenly come to meet us and he also accompanied us and at that time my daughter was conscious. On my asking she told that Yadwinder Singh had committed fraud with her. On the pretext of marriage he has exploited her mentally and physically due to which she got harassed that she in clear words told him that in case he has committed fraud like this, then she shall consume sulphas and finish her life. At that time Yadwinder Singh told her that he does not care in case she dies and do whatever you want to. My daughter also told me that she also telephoned the father of Yadwinder Singh i.e. Balwinder Singh on his mobile no. 78371 25200 at about 4.30, but his father also did not care. My daughter also told me that Yadwinder Singh has played with her feelings and on the pretext of marriage has developed

physical relations with her. On the instigation of Yadwinder Singh and taking him to be her husband, she submitted herself to him physically. In case he had not instigated her by doing this fraud, then may be she would not have done this extreme act. Due to callous attitude of Yadwinder Singh, due to his flatly refusing to perform marriage and due to his mental and physical exploitation and since he did not care for her, there was nothing left for her to live and due to his saying in clear words to do whatever she wants to, and he does not care if she dies, and due to instigation of Yadwinder Singh I have committed suicide. When the treatment of my daughter was going in the Hospital at about 6.15p.m., I telephoned Yadwinder Singh alias Sunny on his mobile no. 99883 65869 and asked him as to why you have done like this with my daughter that she was compelled to commit suicide and after that my daughter died during treatment at about 11.00 p.m. at night in the Escorts Hospital. My daughter Pardeep Kaur has been instigated by Yadwinder Singh alias Sunny to die. Strict legal action be taken against Yadwinder Singh. I am handing over the CDs of the conversation from the mobile of my daughter i.e. mobile no. 97800 35271 on the mobile No. 99883 65869 of Yadwinder Singh and on mobile no. 78371 25200 of the father of Yadwinder Singh i.e. Balwinder Singh and the Bill of the Mobile Phone of Pardeep Kaur bearing Bill No. 1500 dated 25.7.2016. You gave both the CDs to constable Balwinder Singh No. 384/ASR who is posted as a Junior Munshi in the police Station to make their script. Constable Balwinder Singh put both the CDs one by one in the computer and in my presence Constable Balwinder Singh prepared an exact script of the CDs and gave the script of both the CDs to you. You prepared separate parcels of both the CDs and mobile phone separately and put your seal 'KS' and prepared your sample seal separately and kept both the parcels and mobile bill in your custody as evidence vide separate memo and after use handed over the seal to HC Gurwinder Singh No. 363/ASR. You annexed the script to the file. I put my signatures on the memo and HC Gurwinder Singh 363/ASR and constable Balwinder Singh No. 384/ASR put their witness. The sim no. 79865 22566 which is of Jio Company is in my name and this sim was being used by my daughter Pardeep kaur. I have heard the statement. It is correct.

*SD/- ASI
P.S. CHHEHARTA,
AMRITSAR. 9.11.2016"*

9. It would not be out of place to reproduce further relevant paragraphs from the same Judgment, as under: -

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.*
19. *We are of the view that putting the accused to trial on the basis of the evidence on record would be nothing short of travesty of justice. Trial would be an empty formality.”*

10. In Geo Varghese (supra), it was the case of suicide. The prosecution's case was that the deceased was 14 years old and he committed suicide leaving behind the suicide note. The relevant paragraphs from the said decision are reproduced below:

16. *The ordinary dictionary meaning of the word 'instigate' is to bring about or initiate, incite someone to do something. This Court in the case of Ramesh Kumar Vs. State of Chhattisgarh¹ has defined the word 'instigate' as under :-*

"Instigation is to goad, urge forward, provoke, incite or encourage to do an act."

17. *The scope and ambit of Section 107 IPC and its co-relation with Section 306 IPC has been discussed repeatedly by this Court. In the case of S.S.Cheena Vs. Vijay Kumar Mahajan and Anr.², it was observed as under:-*

"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."

18. *In a recent pronouncement, a two-Judge Bench of this Court in the case of Arnab Manoranjan Goswami Vs. State of Maharashtra & Ors., while considering the co-relation of Section 107 IPC with Section 306 IPC has observed as under :-*

"47. The above decision thus arose in a situation where the High Court had declined to entertain a petition for quashing an FIR under Section 482 of the 14 (2014) 4 SCC 453 PART I 33 CrPC. However, it nonetheless directed the investigating agency not to arrest the accused during the pendency of the investigation. This was held to be impermissible by this Court. On the other hand, this Court clarified that the High Court if it

thinks fit, having regard to the parameters for quashing and the self restraint imposed by law, has the jurisdiction to quash the investigation —and may pass appropriate interim orders as thought apposite in law. Clearly therefore, the High Court in the present case has misdirected itself in declining to enquire prima facie on a petition for quashing whether the parameters in the exercise of that jurisdiction have been duly established and if so whether a case for the grant of interim bail has been made out. The settled principles which have been consistently reiterated since the judgment of this Court in State of Haryana vs Bhajan Lal(Bhajan Lal) include a situation where 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. This legal position was recently reiterated in a decision by a two-judge Bench of this Court in Kamal Shivaji Pokarnekar vs State of Maharashtra.

48. *The striking aspect of the impugned judgment of the High Court spanning over fifty-six pages is the absence of any evaluation even prima facie of the most basic issue. The High Court, in other words, failed to apply its mind to a 15 1992 Supp. 1 SCC 335 16 (2019) 14 SCC 350 PART I 34 fundamental issue which needed to be considered while dealing with a petition for quashing under Article 226 of the Constitution or Section 482 of the CrPC. The High Court, by its judgment dated 9 November 2020, has instead allowed the petition for quashing to stand over for hearing a month later, and therefore declined to allow the appellant's prayer for interim bail and relegated him to the remedy under Section 439 of the CrPC. In the meantime, liberty has been the casualty. The High Court having failed to evaluate prima facie whether the allegations in the FIR, taken as they stand, bring the case within the fold of Section 306 read with Section 34 of the IPC, this Court is now called upon to perform the task."*

19. *In the case of M. Arjunan Vs. State, Represented by its Inspector of Police, a two-Judge Bench of this Court has expounded the ingredients of Section 306 IPC in the following words:-*

"The essential ingredients of the offence under Section 306 I.P.C. are: (i) the abetment; (ii) the intention of the accused to aid or instigate or abet the deceased to commit suicide. The act of the accused, however, insulting the deceased by using abusive language will not, by itself, constitute the abetment of suicide. There should be evidence capable of suggesting that the accused intended by such act to instigate the deceased to commit

suicide. Unless the ingredients of instigation/abetment to commit suicide are satisfied, accused cannot be convicted under Section 306 I.P.C.”

20. *At this stage, we may also refer to another recent judgment of a two-Judge Bench of this Court in the case of Ude Singh & Ors. Vs. State of Haryana⁵, which elucidated on the essential ingredients of the offence under Section 306 IPC in the following words:-*

“16. In cases of alleged abetment of suicide, there must be a proof of direct or indirect act/s of incitement to the commission of suicide. It could hardly be disputed that the question of cause of a suicide, particularly in the context of an offence of abetment of suicide, remains a vexed one, involving multifaceted and complex attributes of human behaviour and responses/reactions. In the case of accusation for abetment of suicide, the Court would be looking for cogent and convincing proof of the act/s of incitement to the commission of suicide. In the case of suicide, mere allegation of harassment of the deceased by another person would not suffice unless there be such action on the part of the accused which compels the person to commit suicide; and such an offending action ought to be proximate to the time of occurrence. Whether a person has abetted in the commission of suicide by another or not, could only be gathered from the facts and circumstances of each case.

16.1. For the purpose of finding out if a person has abetted commission of suicide by another; the consideration would be if the accused is guilty of the act of instigation of the act of suicide. As explained and reiterated by this Court in the decisions above- referred, instigation means to goad, urge forward, provoke, incite or encourage to do an act. If the persons who committed suicide had been hypersensitive and the action of accused is otherwise not ordinarily expected to induce a similarly circumstanced person to commit suicide, it may not be safe to hold the accused guilty of abetment of suicide. But, on the other hand, if the accused by his acts and by his continuous course of conduct creates a situation which leads the deceased perceiving no other option except to commit suicide, the case may fall within the four-corners of Section 306 IPC. If the accused plays an active role in tarnishing the self-esteem and self- respect of the victim, which eventually draws the victim to commit suicide, the accused may be held guilty of abetment of suicide. The question of mens rea on the part of the accused in such cases would be examined with reference to the actual acts and deeds of the accused and if the acts and deeds are only of such nature where the accused intended nothing more than

harassment or snap show of anger; a particular case may fall short of the offence of abetment of suicide. However, if the accused kept on irritating or annoying the deceased by words or deeds until the deceased reacted or was provoked, a particular case may be that of abetment of suicide. Such being the matter of delicate analysis of human behaviour, each case is required to be examined on its own facts, while taking note of all the surrounding factors having bearing on the actions and psyche of the accused and the deceased.”

22. *What is required to constitute an alleged abetment of suicide under Section 306 IPC is there must be an allegation of either direct or indirect act of incitement to the commission of offence of suicide and mere allegations of harassment of the deceased by another person would not be sufficient in itself, unless, there are allegations of such actions on the part of the accused which compelled the commission of suicide. Further, if the person committing suicide is hypersensitive and the allegations attributed to the accused is otherwise not ordinarily expected to induce a similarly situated person to take the extreme step of committing suicide, it would be unsafe to hold the accused guilty of abetment of suicide. Thus, what is required is an examination of every case on its own facts and circumstances and keeping in consideration the surrounding circumstances as well, which may have bearing on the alleged action of the accused and the psyche of the deceased.*
39. Insofar as, the suicide note is concerned, despite our minute examination of the same, all we can say is that suicide note is rhetoric document, penned down by an immature mind. A reading of the same also suggests the hyper-sensitive temperament of the deceased which led him to take such an extra-ordinary step, as the alleged reprimand by the accused, who was his teacher, otherwise would not ordinarily induce a similarly circumstanced student to commit suicide.
40. In the absence of any material on record even, prima-facie, in the FIR or statement of the complainant, pointing out any such circumstances showing any such act or intention that he intended to bring about the suicide of his student, it would be absurd to even think that the appellant had any intention to place the deceased in such circumstances that there was no option available to him except to commit suicide.
41. In the absence of any specific allegation and material of definite nature, not imaginary or inferential one, it would be travesty of justice, to ask the appellant-accused to face the trial. A criminal trial is not exactly a pleasant experience and the appellant who is a teacher would certainly suffer great prejudice, if he has to face prosecution on absurd allegations of irrelevant nature.

11. Coming to the case at hand, there is no dispute that the informant, along with his family members, including the deceased, was earlier residing near the house of Applicant Nos. 1 and 2. Applicant Nos. 1 and 2 have a daughter. Both families were on visiting terms. Sometime in the year 2021, the informant shifted his family to the place 'Deothan'. According to the informant, due to harassment by the applicants to the deceased over the phone, the deceased committed suicide. Admittedly, no call detail records have been seized by the Investigating Officer or submitted along with the charge-sheet. Undisputedly, during the course of investigation, a lengthy suicide note was found, which is part and parcel of the charge-sheet. The suicide note speaks of certain earlier incidents and accidents, which led him to visit the police station, causing embarrassment to his father. The suicide note further states that, the deceased was deeply in love with the daughter of Applicant Nos. 1 and 2 and intended to marry her. His family members were also ready for the same. He had imagined a beautiful life with the girl. The applicants, who are the parents, brother, and maternal uncle of the girl, were not in favour of the marriage. They used to ask him to sever the relationship with the girl and threatened him. The suicide note further states that, he had lost confidence and that he always did what others wanted. Due to the telephonic threats, the applicants were responsible for his extreme step. It further states that, the girl was not at fault and that his brother had always helped him. The

tenor of the suicide note clearly indicates that the deceased did not want to lose the girl and wished to settle in life with her. On perusal of the suicide note, it becomes clear that, the deceased was a person of sensitive temperament. He appears to have been a touchy and emotional person.

12. The statement of the girl recorded by the Investigating Officer shows that, though she knew the deceased and they were good friends, she had informed the deceased that, they were only friends and that she did not want to marry him, and thereby refused his proposal of marriage. The girl further stated that, despite conveying her disinclination for marriage, the deceased asked her as to why he was sending persons to her father. Her statement further shows that, in January 2022, she got engaged to a boy residing at Rajapur, Taluka Sangamner, and the date of marriage was fixed as 25.03.2022. Her statement further reveals that, the deceased used to constantly make phone calls to her, due to which she blocked his mobile number. Three (3) days prior to her marriage, the deceased made a phone call from a different number, which she did not attend. There were 4-5 missed calls from the said number on her mobile phone. In the evening, she came to know that the deceased committed suicide.

13. The above-referred prosecution case and the material available on record, including the suicide note, by no stretch of imagination would show that, there was any instigation or abetment by

the applicants to the suicide. What the suicide note goes to show is that the deceased could not succeed in what he intended and he was of a hypersensitive temperament. Even accepting the prosecution case that, the applicants made phone calls to the deceased and threatened him, the same does not indicate any intention to place the deceased in such a situation that, he should commit suicide. It is not that as if the deceased had no other option but to commit suicide. Much prior to the incident, the informant had shifted his residence along with his family to another place. Even if it is accepted that the applicants threatened the deceased with dire consequences, there is no material to show proximity between the alleged threats given by the applicants and the suicide committed by the deceased. In the absence of any material to attract the ingredients of the offence punishable under Section 306 of the IPC, making the applicants to face trial would amount to an abuse of the process of law.

14. In view of the above factual position and the legal proposition referred to herein above, in my considered view, this is a fit case to quash the proceedings in exercise of the powers vested in this Court under Section 482 of the Code of Criminal Procedure. Hence, I pass the following order:

ORDER

- [i]** The Application is allowed in terms of prayer clause 'B', 'C' and 'C1' reproduced in foregoing paragraph no. 1.

[ii] The Application stands disposed of.

[NEERAJ P DHOTE]
JUDGE

SG Punde