



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 3529 OF 2024

1. Sunanda Nimba Mahajan
Age: 53 years, Occu.: Household,
2. Amol Nimba Mahajan
Age: 28 years, Occu.: Service (Private Sector)

Both R/o Yashwant Nagar, Bhadgaon,
Tq. Bhadgaon, Dist. Jalgaon

..APPLICANTS

VERSUS

1. State of Maharashtra
Through The Sub-Divisional Police Officer,
Chalisgaon, Tq. Chalisgaon,
Dist. Jalgaon
2. The Police Inspector,
Bhadgaon Police Station, Bhadgaon,
Tq. Bhadgaon, Dist. Jalgaon
3. XYZ

..RESPONDENTS

....
Mr. R.C. Bora, Advocate for applicants
Mr. S.N. Morampalle, A.P.P. for respondent nos.1 and 2
....

CORAM : RAJNISH R. VYAS, J.
DATE : 01st APRIL, 2026

PER COURT :

. This is an application prayed for quashment of F.I.R. No. 205 of 2021 dated 03rd September, 2021 registered with Bhadgaon Police Station, Dist. Jalgaon for the offences registered under Sections 306 and 34 of the Indian Penal Code (hereinafter referred to as 'I.P.C.'), under Sections 7 and 8

of Protection of Children from Sexual Offences Act, 2012 (hereinafter referred to as 'Act of 2012') and under Sections 3(1)(w)(i) and 3(1)(w)(ii) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as 'SC & ST Act'), lodged by one Dadabhau More against three persons and consequent charge-sheet and criminal proceeding.

2. Learned counsel for the applicants submitted that original Accused No.2 / Shubham Mahajan has committed suicide after the incident. He, therefore, submits that the present application is filed at the instance of original Accused Nos. 1 and 3 only. According to him, the allegations made in the F.I.R. as well as the charge-sheet are without any specific details, and therefore, offences mentioned therein could not have been registered against the present applicants. He submitted that the only allegation in the F.I.R. is that the present applicants have threatened the victim/deceased that she should support the accused persons in case her father/informant lodges any complaint against the accused persons.

3. His next contention is that though two suicide notes were collected during the course of investigation, it would reveal that signatures on these suicide notes are not of the deceased / victim of crime. He submitted that even the prosecution has not taken any trouble to refer the said disputed signatures on those two suicide notes for the expert opinion. According to him, after registration of F.I.R. impugned, one more F.I.R. No. 32 of 2022

dated 31st January, 2022 for commission of offences punishable under Sections 306 and 34 of the I.P.C. was registered with Bhadgaon Police Station at the instance of one Amol Mahajan i.e. Applicant No.2 against the informant in the present case and others. According to him, the said F.I.R. is already quashed by this Court. He thus submits that the F.I.R. impugned, in the aforesaid background, be quashed.

4. Per contra, learned A.P.P. submitted that since the offences are registered under the provisions of the Act of 2012, so also SC & ST Act, so also the charge-sheet is already filed, the accused can be asked to approach the trial Court for seeking discharge. He further submitted that at this stage mini trial is not permissible.

5. With the assistance of both the counsels, I have gone through the record of the case.

6. The F.I.R. impugned in the present application i.e. F.I.R. No. 205 of 2021 dated 03rd September, 2021 was registered with Respondent No.1 / police station at the instance of Respondent No.2 / Dadasaheb More, who alleged that he alongwith his wife, son and daughter/deceased, who was sixteen years and seven months at the relevant time, were residing together. Applicant No.1 alongwith her two sons used to reside in the same locality where informant was residing. In short, it was alleged in the F.I.R. that on

22nd August, 2021 since daughter of the informant, did not return to the house at the proper time, enquiry was made and accordingly the informant came to know that she had gone with Accused No.2 / Shubham towards village Baalad road. The informant and his wife thereafter returned home, but could not see their daughter and thus made due search. At about 07:00 p.m. on the same day daughter of the informant / victim returned home and when enquired, she did not disclose anything. For few days she remained silent and did not talk to anybody.

7. It was alleged in the F.I.R. that on 01st September, 2021, the victim of crime on her own disclosed to the informant and his wife that Accused No.2 / Shubham was in love with the victim and on the festival of *Rakshabandhan*, Shubham had taken her towards Baalad road. At that time he had touched victim by his hands, which was objected by victim. It was further alleged that on the next day accused persons threatened the victim that if report is lodged by father of victim / informant with the police station then in that case the victim will have to support the accused persons. It was also stated in the F.I.R. that if the statement in the aforesaid manner is not made, then her photographs taken would be made viral on Facebook and she would be defamed. It was also disclosed by the victim to her parents that from that day she remained under tension. The parents then tried to console her.

8. According to the F.I.R., on 03rd May, 2021 at about 08:30 a.m. when the informant was at agricultural field, he was informed that the victim had committed suicide by hanging. Two suicide notes were recovered from the victim. It is in this background, the F.I.R. came to be lodged. During the course of investigation, statements of the witnesses were recorded and charge-sheet came to be filed. So far as contention of learned counsel for the applicant that the F.I.R. and final report are bereft of any details regarding threats given, it is necessary to mention here that the victim has categorically stated to per parents that the accused persons had threatened her that her photographs would be made viral on the Facebook, if she fails to support their stand in case complaint is lodged by father of victim against the accused persons. At this stage, it is necessary to mention here that the offences registered against the present applicants are under the provisions of the Act of 2012 also. The statements of father of victim / informant categorically state that at the time of incident, the victim was sixteen years and seven months old, which shows that she was minor in the eyes of law.

9. Considering the aim and object of the Act of 2012 and the fact that the victim of crime was vulnerable, the statements made in the final report will have to be read in that background. The F.I.R. shows that the victim was under mental tension and initially she did not speak to anybody. It is in this context, the incident will have to be looked into. There are two suicide notes, in which it is categorically stated that the present applicants have threatened

the victim. The contentions of learned counsel for the applicants that if signatures on both the suicide notes compared with Form 3 of Maharashtra State Board of Secondary and Higher Secondary Education, Nashik Divisional Board, Nashik, it would reveal that the signatures are of different persons. At this stage it is necessary to mention here that the said Form 3 gives table regarding serial number, seat number, number of supplements and student's signature. The name of student is not appearing on the said form. Even otherwise, at this stage mini trial cannot be conducted.

10. Learned counsel for the applicants then contended that though the mobile has been seized, no photographs of the victim were found in it. He further contended that the Investigating Officer has not even taken any trouble to forward the suicide notes to the handwriting expert. The said contentions of learned counsel need not be considered for the reason that at this stage detailed examination of the documents on record is not at all necessary. Just because the photographs are not recovered and the documents at this stage are not sent to the handwriting expert, it will not falsify the case of prosecution. Law in that regard is crystal clear. The Hon'ble Apex Court in case of *State of Haryana and Others Vs. Ch. Bhajan Lal and Others, 1992 AIR 604*, has categorically stated that the F.I.R. can be quashed only when material on record fails to disclose commission of any cognizable offence or ingredients of offences are not made out. If the suicide notes and the statements on record are perused, it would be crystal clear that

sufficient material is brought on record by the prosecution to connect the present applicants with the crime.

11. The Hon'ble Apex Court in case of ***Praveen Pradhan Vs. State of Uttarakhand and Ors.*** reported in ***(2012) 9 SCC 734***, more particularly in paragraph nos. 16, 17 and 18 has observed thus :-

“16. This Court in Ramesh Kumar v. State of Chhattisgarh AIR 2001 SC 3837, while dealing with a similar situation observed that what constitutes "instigation" must necessarily and specifically be suggestive of the consequences. A reasonable certainty to incite the consequences must be capable of being spelt out. More so, a continued course of conduct is to create such circumstances that the deceased was left with no other option but to commit suicide.

17. The offence of abetment by instigation depends upon the intention of the person who abets and not upon the act which is done by the person who has abetted. The abetment may be by instigation, conspiracy or intentional aid as provided under Section 107 IPC. However, the words uttered in a fit of anger or omission without any intention cannot be termed as instigation.

18. In fact, from the above discussion it is apparent that instigation has to be gathered from the circumstances of a particular case. No straitjacket formula can be laid down to find out as to whether in a particular case there has been instigation which forced the person to commit suicide. In a particular case, there may not be direct evidence in regard to instigation which may have direct nexus to suicide. Therefore, in such a case, an inference has to be drawn from the circumstances and it is to be determined whether circumstances had been such which in fact had created the situation that a person felt totally frustrated and committed suicide. More so, while dealing with an application for quashing of the proceedings, a court cannot form a firm opinion, rather a tentative view that would evoke the presumption referred to under Section 228 CrPC.”

12. Thus, it is crystal clear that each case will have to be decided on its own facts, considering the background of the case also. If in the light of aforesaid observations, the allegations made in the report are perused, it would be crystal clear that prima facie case is made out against the present applicants.

13. As far as contentions of present applicants that there is delay in narrating the incident by the victim to her parents so also committing suicide, and therefore, the F.I.R. is required to be quashed, is also required to be rejected. Reason for the same is the victim was minor in the eyes of law. The informant has categorically stated that the victim had not narrated the incident to anybody and was not talking to anybody for few days. It is in this background, the conduct of victim of crime will have to be seen. Proximity of incident i.e. on 22nd August, 2021 she was taken by Accused No.2 / Shubham to Baalad road, on 01st September, 2021 the incident was narrated by the victim to her parents and on 03rd September, 2021 suicide was committed, is thus prima facie established by the prosecution. Thus, I find no merit in the instant application. Hence, same is rejected.

(RAJNISH R. VYAS, J.)

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