



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
CRIMINAL APPLICATION NO.1262 OF 2025**

Padmabai Balasaheb Wani,
Age 37 years, Occu. Agril.,
R/o Patil Galli, Taluka Vaijapur,
District Aurangabad.

..Applicant
(Orig. Accused)

Versus

1. The State of Maharashtra,
Through the Investigation Officer,
Vaijapur Police Station,
Tq. Vaijapur, District Aurangabad.

2. Balnath s/o Nivrutti Jore,
Age 62 years, Occu. Retired,
R/o Patil Galli, Tq. Vaijapur,
District Aurangabad.

..Respondents

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Mr. S. D. Jayabhar, Advocate for Applicant.
Mr. V. M. Lomte, APP for Respondent No.1.
Mr. U. V. Khonde, Advocate for Respondent No.2.

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**CORAM : S. G. CHAPALGAONKAR, J.
DATED : 08th JANUARY, 2026.**

FINAL ORDER:-

1. The applicant/accused seeks quashment of FIR in Crime No.385/2023 registered with Vaijapur Police Station, District Aurangabad for offences punishable under Sections 306, 506, 504 r/w 34 of Indian Penal Code and consequential proceeding in Sessions Case No.72/2024 pending before Sessions Court at Vaijapur.

2. On information of respondent no.2, Crime No.385/2023 dated 18.07.2023 came to be registered against two accused persons

including applicant. In short, it has been alleged by informant that on 04.01.2023 his son Pravin Jore died on account of strangulation. It is further alleged that on 02.01.2023 while informant was at home alongwith his wife, their son Pravin came at home after closing electrical shop. He was mentally disturbed. When informant asked reason for his disturbed mental condition, he told that he obtained loan on interest from accused persons. Although loan amount was repaid, accused persons were pursuing for payment of further amount. On 04.01.2023 at about 04.50 pm informant received phone call from Nilesh Jore informing that Pravin has committed suicide by strangulation at home. According to informant, deceased Pravin committed suicide due to abatement of accused persons.

3. It appears that, on completion of investigation, final report/charge-sheet No.108/2024 has been filed on 10.04.2024 in Court of Magistrate, who committed case for trial to Sessions Court. Accordingly, Sessions Case No.72/2024 was registered. During pendency of aforesaid proceeding, accused no.1-Kiran Rajput filed Criminal Application No.3457/2023 before this Court for quashment of FIR and further proceeding in Sessions Case No.72/2024 registered pursuance to FIR. This Court after considering contents of FIR and charge-sheet observed in paragraph nos.11 and 12 as under:

“11. We are afraid that these allegations even if taken on their face value will not indicate that the applicant was harassing deceased Pravin in order to recover the money allegedly due and payable to them. The allegations in the FIR and the statements are pertinently silent with respect to the nature and extent of harassment, so also the tentative period thereof. Most importantly the allegations only suggest pressure tactics adopted by the applicant for the purpose of recovery of money. These allegations fall grossly short of establishing the ingredients of Sections 107 and 306 of the IPC in as much as mens rea for forcing the deceased to end his life is not made out even if entire material is assumed to be true and correct on its face value. We are aware that the matter is yet to go to trial, however, for the present, even if the entire material gathered by prosecution is assumed to be true, the charge under Section 306 of the IPC cannot be sustained. We are, therefore of the considered opinion that the FIR and criminal prosecution against the applicant deserves to be quashed since essential elements of the offence are not made out on the basis of material gathered by the prosecution.

12. It may be stated that the deceased has committed suicide on 04.01.2023 and the FIR is lodged on 18.07.2023 i.e. after a period of six and half months. It will also be pertinent to mention here that the Investigation Agency had tried to record statements of family members after the demise during the course of initial investigation when accidental death case was registered. However, the informant and his family members had not given their statements at that stage though there was opportunity. The record also indicates that on 17.06.2023 after repeated telephonic calls the informant and his family members had visited the Police Station for recording their statements, however, they left the Police Station without giving any statement to the police authorities. The FIR is lodged on 18.07.2023 i.e. after a period of one month from 17.06.2023.”

and finally quashed FIR and further proceeding in Sessions

Case No.72/2024 to the extent of accused no.1-Kiran Rajput.

4. Perusal of FIR and charge-sheet would show that allegations against applicant/accused no.1 are *para materia* with allegations against accused no.1. Even contents of charge-sheet would show that except family members of deceased i.e. informant and his wife no other evidence is brought on record indicating abatement to deceased to commit suicide on part of applicant.

5. The learned Advocate appearing for respondent no.2 as well as learned APP were called upon to demonstrate any other material that would distinguish case of applicant from case of accused no.1-Kiran Rajput against whom FIR and proceeding is already quashed and set aside. However, they could not bring to notice of this Court any such material.

6. In that view of matter, for reasons as recorded by Division Bench of this Court in Criminal Application No.3457/2023, present Criminal application deserves to be allowed. Hence, following order:

ORDER

- a. Criminal Application is allowed.
- b. The FIR bearing Crime No.385 of 2023 registered with Vaijapur Police Station, District Aurangabad on 18.07.2023 for offences punishable under Sections 306, 504, 506 read with Section 34 of the IPC as well as charge-sheet/final report No.108/2024

dated 10.04.2024 and consequential proceeding in Sessions Case No.72 of 2024 pending on file of the Sessions Judge, Vaijapur, District Aurangabad, are hereby quashed against present applicant-Padmabai Balasaheb Wani.

(S. G. CHAPALGAONKAR)
JUDGE