



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

949 CRIMINAL APPLICATION NO.2475 OF 2025

Aarti Suresh Sonavane

VERSUS

The State Of Maharashtra And Another

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Advocate for Applicant : Mr. Shaikh Faizal Iqbal h/f Mr. Sayyed
Tauseef Yaseen

APP for Respondents: Mrs. A.S. Mantri

Respondent No.2-Served

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CORAM : S. G. CHAPALGAONKAR, J.

Dated : January 09, 2026

FINAL ORDER :-

1. The applicant seeks quashment of the First Information Report in crime no.21 of 2024 registered with Shivaji Nagar Police Station, Beed for the offence punishable under section 306 of Indian Penal Code and consequential criminal proceeding in RCC No.152 of 2024 pending before Chief Judicial Magistrate at Beed.

2. The investigation was set in motion on the basis of information given by respondent no.2. It is alleged that informant's son Nilesh was preparing for recruitment in police department. On 31st November, 2023 he informed his parents that he has love affair with the applicant. On 20th December

2023, he went to Beed for appearing at examination. On 23rd December, 2023 at about 7.00 pm he committed suicide by strangulation. It is alleged that because of his love affair with applicant, the applicant used to frequently call him and he was abetted to commit suicide. On the basis of aforesaid information, crime no.21 of 2024 was registered with police station Shivajinagar Beed for the offence punishable under section 306 of the Indian Penal Code against applicant. In pursuance to aforesaid FIR, investigation progressed leading to filing of charge-sheet no. 152 of 2024 in the Court of Chief Judicial Magistrate, at Beed.

3. Applicant filed present application under section 482 of the Code of Criminal Procedure seeking quashment of the FIR and consequential proceeding.

4. Learned advocate appearing for applicant submits that contents of FIR or material in charge-sheet does not constitute any offence of abetment to commit suicide. He submits that applicant is a student pursuing her education in BSC nursing. She has been unnecessarily implicated in the aforesaid crime. He would submit that, although there was limited interaction by way of mobile communication between deceased and

applicant, that itself would not stretch to hold that such conversation led to abetment for commission of suicide. Relying upon observations of Hon'ble Supreme Court in case of **Prabhu Vs. State represented by Inspector of police and another reported in 2024 SCC online SC 137**, he would submit that even if it is assumed that it was a case of broken relationship, that would not constitute instigation or abetment of suicide.

5. Learned APP opposed the application contending that statement of witness Niles Vaybhat clearly states that applicant had love affair with the deceased, since she refused to marry, deceased committed suicide.

6. Having considered submissions advanced by learned advocates appearing for respective parties and on perusal of contents of FIR and material in the charge-sheet, allegations against applicant appears to be in limited spare. Firstly, informant states that deceased told him about his love affair with applicant and thereafter applicant had telephonic conversation with him, wherein she acknowledges such relationship. Statement of witnesses merely suggests about existence of such relationship, however, none of the statement

stipulates particular overt-act of applicant that led deceased to take extreme decision to end his life.

7. Chapter-5 of Indian Penal Code deals with abetment. Section 107 defines that a person abets the doing of thing, who-

- i. instigates any person to do that thing; or
- ii. Engages with one or more other persons 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 thing to the doing of that thing ; or
- iii. Intentionally aids, by any act or illegal omission, the doing of that thing.

8. Section 109 of the IPC provides for punishment for abetment. Section 306 of the IPC specifically provides for abetment of suicide. If person commits suicide on account of abetment for commission of suicide. The law on aforesaid aspect has been well settled. In case of **Ramesh Kumar Vs. State of Chhatisgarh** reported in (2001) 9 SCC 618, in paragraph no.23, following observations are made :-

“23. 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 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.”

9. In light of aforesaid propositions of law, if material in the charge-sheet is scanned, it is difficult to hold that there is element of abetment of suicide on the part of applicant. The *mens-rea* to intentionally insulting deceased to actually commit suicide/self killing is absolutely absent in present case. Merely, assuming that there was love affair between applicant and deceased and there was discord of relationship for any reason, in absence of guilty intention on the part of accused or circumstances leading to depress mental state of victim from intentional act on the part of the accused, no case can be made out under section 306 of the IPC. In case of **Chitresh Kumar Chopra Vs. State (Govt.NCT of Delhi)** reported in (2009) 16 SCC 605, this Court referred to dictionary meaning of word “instigation” and “Goading” and opined that there should be intention to provoke incite or encourage the doing of an act by the latter. Each persons/individual's suicidability pattern depends on his inner subjective experience of mental pain, fear and loss of self-respect. Each of these factors are crucial and exacerbating contributor to an individual's vulnerability to end

his own life, which may either be an attempt for self-protection or an escapism from intolerable self. Therefore, it is impossible to lay down straight jacket formula.

10. In case of **Prabhu Vs. State Represented by Inspector of Police and another reported in 2024 SCC Online SC 137**, it has been observed that to constitute instigation, it must be shown that accused had by his acts and omissions or by continued course of conduct created such circumstances that the deceased was left with no other option except to commit suicide.

11. In the present case, there is absolutely no material on record to show that applicant had any way instigated or provoked deceased to commit suicide. Only allegation against applicant which is discernible from the statement of witness Nilesh is that applicant had simply refused to marry with deceased, which cannot be treated as positive act on her part with intention to abet suicide. In light of the aforesaid factual and legal aspects, this Court finds that this is a fit case to exercise inherent powers under section 482 of the Criminal Procedure Code and quash FIR and consequential proceedings.

In the result, following order is passed.

ORDER

- i. Criminal Application is **allowed**.
- ii. First information report bearing Crime No.21 of 2024 registered with Shivajinagar Police Station, Beed and consequential proceedings i.e. Charge-sheet bearing No.152 of 2024 pending before Chief Judicial Magistrate, Beed for offence punishable under section 306 of the Indian Penal Code against applicant stands **quashed and set aside**.
- iii. Criminal application stands **disposed off**.

(S. G. CHAPALGAONKAR, J.)

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