



IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD

976 CRIMINAL APPLICATION NO. 2691 OF 2025

1. Pandhari Chokhoba Jabhade,  
age 67 years, Occ. Agri,  
R/o Shindgi (kd), Tq. Ahmedpur,  
District Latur.
2. Dilip s/o Pandhari Jabhade,  
age 32 yrs, Occ. Education,  
R/o . -do- Applicants.

VERSUS

1. The State Of Maharashtra  
through Ahmedpur Police Station,  
District Latur.
2. Pandhari s/o Gundu Panchal  
age 55 yrs, Occ. Carpenter and Agri.  
R/o Ruee Kallali, Tq. Kandhar,  
District Nanded. Respondents.

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Advocate for Applicants : Mr. N.U. Telgaonkar  
APP for Respondents: Mr. S.D. Ghayal  
Advocate for Respondent 2 : Mr. A.C. Sisodiya  
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CORAM : S. G. CHAPALGAONKAR, J.

Dated : March 26, 2026

FINAL ORDER :-

1. Present applicants seeks quashment of the FIR no.127 of  
2024 dated 26.2.2024 registered with Ahmedpur Police Station  
District Latur for the offence punishable under section 306 r/w  
34 of the Indian Penal Code as well as consequential

proceeding in R.C.C No.228 of 2025 pending before the learned J.M.F.C., Ahmedpur.

2. Record indicates that previous application no.1818 of 2024 filed by applicants was dismissed as withdrawn on 10.3.2025. Thereafter, on completion of investigation, charge-sheet no.205 of 2025 came to be filed before the learned J.M.F.C., at Ahmedpur on 15.5.2025. Accordingly, present application is moved contending that material in charge-sheet does not disclose ingredients of alleged offence against the applicants.

3. Initially, on 26.02.2024, on information given by one Pandhari Gundu Panchal, offence has been registered against in all four accused persons including the applicants. It is alleged that deceased is daughter of informant. She married in the year 2009 with accused no.1. Out of matrimonial relationship, she got two sons and a daughter. When she visited maternal home on Diwali Festival, she was in sad mood. She was asked for the reason. She told that she has been beaten and harassed by her in-laws. She was alleged to have affair with applicant no.2. On 26.2.2023 informant's daughter

committed suicide. It is therefore alleged that accused persons are guilty of abetment to commit suicide.

4. On completion of investigation, charge-sheet has been filed against all the accused persons.

5. The material in charge-sheet shows that applicant no.2 had frequently made mobile calls with deceased during period from 1.4.2023 to 26.2.2024. Although, aforesaid evidence can depict that deceased was continuously in touch with applicant no.2, there is nothing on record to show role of applicant no.2 in commission of offence.

6. The applicants alongwith other accused are charged for the offence punishable under section 306 of the Indian Penal Code. To make out an offence under section 306 of the IPC abetment in terms of section 107 of the IPC is precondition.

Section 107 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.

Section 108 defines the term abettor, which reads thus :-

**Abettor :-**

A person abets an offence, who abets either the commission of an offence, or the commission of an act which would be an offence, if committed by a person capable by law of committing an offence with the same intention or knowledge as that of the abettor.

7. In case of **S.S.Chheena vs Vijay Kumar Mahajan & Anr** reported in **2010 AIR SCW 4938** it has been observed that 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 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 this 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.

8. On perusal of material in the charge-sheet coupled with allegations in FIR, this Court finds that except allegations that applicant no.2 had love affair with deceased and she was frequently in contact with applicant no.2, there is nothing on

record to show that applicants have played any role that would tantamount an abetment to commit suicide. FIR suggests that family members of deceased were aware about her relationship with applicant no.2 and that was the reason of why she was continuously harassed by her in-laws. So far as role of the applicant no.1 is concerned, he was cultivating the land of in-laws of deceased and for that reason, he used to visit their house. However, from aforesaid material, *prima facie*, it cannot be established that applicants had an intention to aid, instigate or abet deceased to commit suicide. In absence of such material, applicants/accused need not be relegated to face trial for offence punishable under section 306 of the IPC. In absence of any direct or indirect positive act on the part of the applicants in compelling or instigating the deceased to commit suicide, this Court do not find any reason as to why the prosecution against the applicants permitted to be continued.

9. In result, criminal application is allowed in terms of prayer clause “B” and disposed of.

( S. G. CHAPALGAONKAR, J. )

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