



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
CRIMINAL WRIT PETITION NO.190 OF 2025**

1. Balasaheb S/o. Mahadu Begate,
Age: 56 years, Occ: Labour
2. Shakuntala W/o. Balasaheb Begate
Age: 51 years, Occ: Household.
3. Jyoti W/o. Rashtrapal Ranveer,
Age: 31 years, Occ: Household.
4. Kishan S/o. Mahadu Begate,
Age: 51 years, Occu.: Labour.

..Petitioners
(Org. accused)

Versus

1. The State of Maharashtra,
Through Police Station Officer
Purna Police Station, Tq. Purna,
Dist. Parbhani.
2. Sumanbai w/o. Sadanand Ranveer,
Age:- Major, Occu.: Agri.
R/o. Kaudgaon, Tal. Purna & Dist. Parbhani.
(Complainant)

..Respondents

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Mr. B. N. Magar, Advocate for Petitioners.

Mr. S. D. Ghayal, APP for Respondents-State.

Mr. Dhananjay Shinde, Advocate for Respondent No.2 (appointed).

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**CORAM : S. G. CHAPALGAONKAR, J.
DATED : 26th FEBRUARY, 2026.**

JUDGMENT:-

1. The petitioners seeks quashment of FIR in Crime No.28/2023 dated 02.02.2023 registered with Purna Police Station, Dist. Parbhani for offence punishable under Sections 306, 504 r/w 34 of Indian Penal Code as well as consequential proceeding in Sessions Case No.264/2024 pending before Additional Sessions Judge at Parbhani.

2. The investigation was set in motion on basis of information given by Sumanbai Sadanand Ranveer stating that on 11.09.2020 her son Rashtrapal had married with petitioner no.3. The petitioner no.3 resided for three months at matrimonial home and thereafter started residing at maternal home. The petitioner no.1 i.e. father of petitioner no.3 used to tease Rashtrapal that he is impotent. Rashtrapal used to be under mental pressure, as his wife was not residing with him. It is alleged that a meeting was arranged in consultation with mediator to resolve matrimonial dispute. At that meeting petitioner no.1 took stand that Rashtrapal was not potent and he will not allow his daughter to lead matrimonial life with Rashtrapal. They demanded amount of Rs.1,50,000/-. Lastly, on 27.11.2022 FIR has been registered against Rashtrapal and other family members alleging offences punishable under Sections 498-A of Indian Penal Code on complaint of petitioner no.3. Rashtrapal was depressed due to registration of offence. He was saying that he has been insulted as impotent by his wife Jyoti, her parents and uncle, hence, he lost interest in life.

3. On 29.01.2022 he left home for bringing medicine. However, did not return till evening and told to one Rajratna Rajveer that he is committing suicide. Lastly, he committed suicide by strangulation. His dead body was found in field entangled to a

tree. It is, therefore, alleged that petitioners have abetted commission of suicide. The aforesaid information culminated into registration of Crime No.28/2023 for offence punishable under Sections 306, 504 r/w 34 of Indian Penal Code against petitioners i.e. wife of Rashtrapal and her family members.

4. The investigation progressed in pursuance to registration of offence and finally charge-sheet was filed in Court of Judicial Magistrate First Class at Purna. After committal of case, Sessions Case No.264/2024 has been registered and pending for trial before Sessions Judge-3 at Parbhani.

5. Mr. Magar, learned Advocate appearing for petitioners submits that averments in FIR and investigation papers does not constitute necessary ingredients to make out offence punishable under Section 306 of Indian Penal Code. He would submit that there was matrimonial discord between petitioner no.3-Jyoti and deceased Rashtrapal. She was residing at maternal home since more than one year prior to suicide by Rashtrapal. She had filed complaint against Rashtrapal and his family members for offence punishable under Section 498-A of Indian Penal Code. Accordingly, Crime No.399/2022 dated 27.11.2022 was registered at Aundha Nagnath Police Station, whereas Rashtrapal committed suicide on 29.01.2022. There is nothing on record showing nexus between act of accused persons and suicide by Rashtrapal.

6. Per contra, Mr. Ghayal, learned APP appearing for respondent-State and Mr. Shinde, learned Advocate appearing for respondent no.2 vehemently opposes petition. They submit that deceased was continuously teased being impotent or that he is not a man. Being deeply hurt by these allegations, he committed suicide. Further, petitioners have lodged FIR in Crime No.399/2022 against deceased and his family members, which triggered mental depression of deceased and driven him to commit suicide. According to them, there is direct nexus between suicide and acts of accused persons, which requires trial.

7. Having considered submissions advanced by learned Advocates appearing for respective parties and after going through averments in FIR and charge-sheet, it is necessary to find out whether ingredient to make out offence under Section 306 of Indian Penal Code is made out. In order to constitute an offence under Section 306 of Indian Penal Code, read with Section 107 of Indian Penal Code, there must be abetment on part of accused. It is essential to establish that accused had intention to instigate, aid, or abet deceased to commit suicide. Such intention on part of accused to provoke or facilitate commission of suicide is a necessary ingredient to bring home charge under Section 306 of the Indian Penal Code. In case of ***Chitresh Kumar Chopra Vs. State (Govt. of NCT of Delhi)***¹, Supreme Court after referring to the

¹ (2009) 16 SCC 605.

dictionary meanings of words 'instigation' and 'goad,' opined that there must be an intention to provoke, incite, or encourage the doing of an act by latter. Each person's response to circumstances leading to suicide differs from another. Every individual has his own sense of self-esteem and self-respect. It is impossible to lay down a straitjacket formula for dealing with such cases. Each case must be decided on basis of its own facts and circumstances. The abetment involves mental process of instigating person or intentionally aiding person in commission of an act. Without positive act on part of accused to instigate or aid in commission of suicide, conviction cannot be sustained. The ratio of decisions of Supreme Court makes it clear that, in order to convict person under Section 306 of the Indian Penal Code, there must be a clear *mens rea* to commit offence. It also requires an active or direct act which led deceased to commit suicide, leaving him with no option, and such act must have been intended to push deceased into such position that he committed suicide.

8. In light of aforesaid exposition of law, if factual aspect in present case is scrutinized, it is evident that although deceased had married with petitioner no.3 on 11.09.2020 she resided with him hardly for three months. Since then, she was residing at her maternal home. It appears that, efforts were made to bring conciliation in matrimonial dispute. However, petitioner no.1 was

not willing to send petitioner no.3 for cohabitation with deceased giving reason that deceased was not potent. It appears that, petitioner no.3 had lodged complaint dated 27.11.2022 against deceased and his family members for offence punishable under Sections 498-A, 323, 504 r/w 34 of Indian Penal Code.

9. The FIR alleges that since petitioner no.1 teased deceased as impotent and refused to send petitioner no.3 for cohabitation, deceased was mentally depressed. Apart from that, registration of offence with similar allegations has triggered his mental depression. Assuming that aforesaid allegations are true and correct and behaviour on part of petitioners have triggered mental depression to deceased, no offence can be made out against petitioners, unless it is discernible from averments in FIR and charge-sheet that petitioners have committed certain acts with intention to drive deceased to commit suicide. Apparently, petitioner no.1 had taken stand that deceased was not potent. Therefore, he will not send petitioner no.3 for cohabitation. However, there is nothing to show that petitioners took such stand with intention to drive deceased to commit suicide. By no stretch of imagination inference of abatement to commit suicide can be drawn as against petitioners.

10. Although petitioners have lodged FIR with usual allegations constituting offence under Section 498-A of Indian Penal Code

against deceased and his family members, that itself cannot be considered as act of abatement to commit suicide within meaning of Section 107 of Indian Penal Code.

11. In result, this Court finds that no offence can be made out against petitioners. The prosecution against them would be abuse of process of law. Hence, case is made out to exercise inherent powers under Section 482 of Criminal Procedure Code, particularly in light of guidelines laid down by Supreme Court in case of ***State of Haryana and Ors. Vs. Ch. Bhajan Lal and Ors.***².

12. In result, Criminal Writ Petition is allowed in terms of prayer Clause (B).

13. Since Mr. Dhananjay Shinde, learned Advocate is appointed through legal aid to represent respondent no.2, the Secretary, High Court Legal Services Sub-Committee, Aurangabad Bench do pay the fees of the appointed counsel for respondent no.2 as per schedule.

(S. G. CHAPALGAONKAR)
JUDGE

Devendra/February-2026