



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CRIMINAL REVISION APPLICATION NO. 170 OF 2023

Amarlal S/o Sonumal Katariya,
Aged about 70 years, Occu: Business,
R/o Near Anandpur Satsang Bhavan,
Pakki Kholi, Sindhi Camp, Akola
Tq and Dist. Akola

...Applicant

Versus

The State of Maharashtra

...Respondent

**WITH
CRIMINAL REVISION APPLICATION NO. 37 OF 2025**

Sangita Ajit Popali,
Age 46 years, Occu: Housewife,
R/o Pakki Kholi, Sindhi Camp, Akola
Tq and Dist. Akola

...Applicant

Versus

The State of Maharashtra

...Respondent

- Mr. B. P. Pande, Advocate for the Applicants
- Mr. S. K. Shirse, APP for the Respondent/State

**CORAM : ABHAY S. WAGHWASE, J
RESERVED ON : JANUARY 19, 2026
PRONOUNCED ON : JANUARY 20, 2026**

COMMON JUDGMENT :

1. In Criminal Revision Application no. 170/2023, there is challenge to judgment and order dated 28.02.2023 passed by learned Additional Sessions Judge, Dhule on Application Exhibit 9 in Sessions Case No. 106/2021, whereas, in Criminal Revision Application No.

37/2025, there is challenge to order dated 12.08.2024 passed on Application Exhibit 41 in Sessions Case No. 106/2021.

2. In nutshell, it is the case of prosecution that, on report of one Harish Ishwarlal Popali, Dhule City Police Station registered crime for commission of offence under Sections 306 read with section 34 of the Indian Penal Code on the premise that Ajit Ishwarlal Popli, husband of Revision Petitioner in Criminal Revision Application No. 37/2025, committed suicide. That, they were married in December, 2009. That, wife picked up quarrel on trivial grounds and insisted for residing separately and accordingly, since five years both husband and wife were residing on the first floor of house of informant. According to informant, accused no. 1 wife was always misbehaving with deceased husband, continuously harassing him for not taking out, not providing household expenses. That, in spite of father-in-law of deceased i.e. father of wife being requested to give understanding to his daughter, he took her sides and blamed husband. According to informant, on 30.05.2019, wife picked up quarrel with deceased, who left the house declaring that, due to her harassment, he felt like committing suicide. On 31.05.2019, dead body of Ajit fetched from bank of river Tapi, therefore, holding wife and father-in-law responsible, on above report, police seems to have registered crime for above offence and on conclusion of trial, they both

were charge-sheeted for trial vide Sessions Case no. 106/2021.

3. Both wife and father-in-law set up applications under Section 227 of Code of Criminal Procedure ("Cr.P.C") urging to discharge them by filing applications Exhibit 9 and 41 respectively and the same came to be rejected by impugned orders. Hence, present Revision Applications.

4. Learned Counsel for Revision Petitioners claims false implication of Applicants in the crime. According to him, firstly, report is belated as deceased died on 30-31.05.2019 and report is of 04.06.2019 and as such, it is his submissions that, the same is afterthought. He took this Court to the FIR and would point that, apparently allegations are of mere quarrel between husband and wife on trivial grounds and there are no major allegations. According to him, deceased left the house in the afternoon of 30.05.2019, returned in the evening and again left the house and subsequently, he went missing but his dead body was found next day in the river, which according to learned Counsel, is more than 70 kms away from the house.

5. He further pointed out that, there are no allegations of inducement and abetment for instigation to commit suicide. It is his submission that, husband left the house alone in annoyance and anger.

That, there is no material to show either wife or father-in-law to be responsible. According to him, only role attributed to father-in-law is not giving understanding to his daughter and pacifying her and beyond that there are no allegations. According to him, by no stretch of imagination, case falls in the ambit of abetment to suicide. He specifically submits that, alleged death is not in proximity to the episode of alleged quarrel, which took place in the afternoon of 30.05.2019. He pointed out that, though there are suicide notes, the same are not substantiated to be authored by deceased. That, even the so called voice messages in the mobile of deceased are not sufficient to draw inference that there was abetment. As essential ingredients for attracting the offence of 306 IPC are patently missing, he criticizes the observations of learned Trial Court while rejecting the applications for discharge and prays to allow the revision applications.

6. Learned APP would strongly oppose the applications for discharge. He also took this Court to the report lodged by informant. According to him, as family members of deceased were in grief, there was delay in reporting but according to him, the same itself would not be sufficient to doubt the prosecution case. He pointed out that, since beginning wife was picking up regular quarrel and mentally harassing deceased husband. That, same had become regular affair. He pointed

out that, wife had dared husband to commit suicide and that, she was keen in seeing him die. Thus, according to learned APP, because of such utterance and challenge, deceased ended up his life and as there was no other reason and there being ample material against accused to face the trial, he justifies the impugned orders.

7. Before advertng to merits of the case, it would be just and proper to spell out settled legal position while considering discharge applications under Sections 227 and 228 of the Cr.P.C. It is fairly settled position that, at such stage, Court dealing with such application is merely expected to determine existence of prima facie material for proceeding to frame charge and make accused persons face trial. Material gathered during investigation is expected to be sifted with limited purpose to find out whether there are sufficient grounds to proceed against accused. Neither in-depth analysis nor meticulous analysis of evidence is expected at such stage. Thus, the only duty of Court is to ascertain whether there is prima facie material suggesting existence of essential ingredients for the offences, which are alleged to be committed.

Above position has been time and again reiterated since the cases of *State of Bihar v/s Ramesh Singh (1977) 4 SCC 39*; *Union of India v. Prafulla Kumar Samal and Another (1979) 3 SCC 4*, and a

decade back in the cases of Sajjan Kumar v. Central Bureau of Investigation (2010) 9 SCC 368; Amit Kapoor v. Ramesh Chander and another (2012) 9 SCC 460; State of Tamil Nadu (By Inspector of Police Vigilance and Anti-Corruption) v. N.Suresh Rajan and Others. (2014) 11 SCC 709; Asim Shariff v. National Investigation Agency (2019) 7 SCC 148; and Ram Prakash Chadha v. State of Uttar Pradesh (2024) 10 SCC 651.

8. Heard. Perused the charge-sheet. Admittedly, brother of deceased Ajit, whose dead body was fetched in Tapi River on 31.05.2019, has set law into motion on 04.06.2019. After giving date of marriage of his deceased brother Ajit with accused no.1 Sangita dated 19.12.2009, he has reported that, initially after marriage his brother and accused no.1 were residing jointly with the family. He reported that, on minor counts, his sister-in-law Sangita quarreled with his brother as well as with parents and subsequently, after meeting in the house when accused no.1 proposed to reside separately with her husband, they were permitted to occupy the first floor since last five years. Then he reported that, wife quarreled on the count of not taking her for outings, for not providing money for household expenses and even suggested giving divorce. According to informant, understanding was given to her and even her father i.e. accused no.2 was called to give understanding to his

daughter but according to informant, instead he blamed deceased husband and asked him to behave properly. He alleged that, he was also instigating his daughter, as a result of which, harassment to his brother was aggravated by wife. He alleged that, because of such behaviour of wife, life of his brother had become unbearable. Then he reported that, on 30.05.2019 he got phone call from an acquaintance questioning whether motorcycle bearing no. MH-12-FG-5621 belong to his brother. Therefore, he and his uncle summoned urgently, then on 31.05.2019 he claims to have learned from his mother Anjanidevi that on 30.05.2019 at 03.00 pm there was heated exchange of words between deceased and accused no. 1 and so deceased left the house to go to his sister's place and again returned at 06.00 pm. However, again accused no.1 picked up quarrel upon which deceased allegedly said that he met her demands and fulfilled her wishes but still she quarreled with him and that henceforth he would not show his face and further said that, wife and her father had made his life miserable, so he would not live and saying so, he left the house. Informant claims that, his mother also told that she tried to intercept him and at that time, wife accused no. 1 again dared deceased saying that, if he had guts go and die, after which deceased left on motorcycle and later on, it was revealed that, motorcycle was found parked on the bridge of river Tapi. In the said motorcycle, suicide notes as well as mobile of deceased was allegedly

found.

9. Informant claims that, the voice message, at the instance of accused no. 1 to deceased, were heard and it emerged thereupon that, deceased declared that because of trouble at the instance of wife and father-in-law he is committing suicide. It was also revealed that, there were several voice messages sent by accused no.1, which revealed that, there was mental harassment to his brother. On 30.05.2019 at 10.30 pm, there was voice message at the instance of wife wherein she addressed and challenged deceased husband saying that he cannot die and she was keen in seeing him die and suggested shooting video of committing death and that she wanted to see. Resultantly, because of regular mental and physical harassment, deceased committed suicide. The last whatsapp message was sent to be around at 10.30 pm.

It is reported that, search of deceased was taken on 31.05.2019 and when not found, missing was lodged. On 01.06.2019 in the afternoon dead body of his brother was found floating on the river bank of Tapi, Hence, the above complaint.

10. Here before this Court learned Counsel for Revision Petitioner would strenuously submit that, there is no evidence about inducement, abetment or incitement to commit suicide. That, there were quarrel only on trivial counts and there was no major reason for the

strained relations of husband and wife and moreover, the dead body of deceased was found 70 kms away from the house and as such, there is nothing proximit to the alleged death, charge of 306 of IPC by no stretch of imagination wold attract. He would very emphatically submit that, there are no allegations of whatsoever against father-in-law.

11. From above FIR, it is emerging that, there are allegations of continuous quarrel being picked up by accused no.1 wife with husband. According to informant, it had become a regular affair. It is emerging that, deceased left the house in the evening of 30.05.2019 declaring his frustration due to regular quarrel and expressing his intentions to end up the life. Though *prima facie* wife had also dared challenging to do so and though that may not itself is sufficient to attribute to her intentions, here there are material in the form of suicide note as well as voice messages and whats app. Whatever informant claims to have heard in the voice messages is also reproduced by him in the report. It seems that at around 10.00 pm of 30.05.2019 wife allegedly sent message to deceased that, he cannot end up his life and that she wanted to see him die and suggested shooting video of the same and asking him whether he is still alive. Therefore, though in the episode of afternoon deceased had left, there are said to be voice messages to the above extent. The same are said to be retrieve by investigating machinery.

Therefore, there is *prima facie* material of continuous inducement or abetment and challenge to die at least as regards to wife is concerned. Investigating machinery seems to have laid hands on suicide note and mobile containing above material. Even there is statement of mother Anjanidevi, who was party to the quarrel, abuses, utterance by wife in the afternoon of 30.05.2019 between husband and wife and has also given statement in detail.

12. As regards to accused no. 2 father-in-law of deceased is concerned, the only allegations against him are that, inspite of he being called upon to give understanding to his daughter to behave properly, he did not do so and rather allegedly blamed son in law. It is alleged that, he instigated her to trouble him more. These much are only the allegations against him in the FIR. Hence, Criminal Revision Application No. 170/2023 filed by accused no. 2 – Amarlal alone succeeds.

13. In view of above, I proceed to pass following order:

ORDER

- (a) Criminal Revision Application No. 37 of 2025 is dismissed.
- (b) Criminal Revision Application No. 170 of 2023 is allowed.
- (c) Impugned order dated 28.02.2023 passed below Exhibit

9 in Sessions Case No. 106/2021 is hereby set aside.

- (d) Accused No. 2 – Amarlal Sonumal Katariya is discharged from offence punishable under Section 306 read with Section 34 of the IPC in connection with Sessions Case No. 106/2021.
- (e) Both Criminal Revision Applications stand disposed of.

(ABHAY S. WAGHWASE, J.)

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