



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL REVISION APPLICATION NO. 358 OF 2025

Vishal s/o Karbhari Gusale
Age : 31 years, Occu. Labour,
R/o. Sulibhanjan, Tq. Khultabad,
Dist. Chh. Sambhajanagar (Aurangabad) ... Applicant
[Orig. Accused]

Versus

1. The State of Maharashtra
Through : The Police Inspector of
Khultabad Police Station, Khultabad,
Tq. Khultabad, Dist. Chh. Sambhajanagar
(Aurangabad).
2. Milind s/o Pundlik Bhalerao
Age : 36 years, Occu. Driver,
R/o. Sulibhanjan, Tq. Khultabad,
Dist. Chh. Sambhajanagar (Aurangabad). ... Respondents
[R.2-Orig. Informant]

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Mr. Angad L. Kanade, Advocate for the Revision Petitioner.
Mr. S. K. Shirse, APP for the Respondent-State

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CORAM : ABHAY S. WAGHWASE, J.

Reserved on : 27.01.2026

Pronounced on : 28.01.2026

ORDER :

1. Revisionist-original accused in crime no. 110 of 2021 registered at Khultabad Police Station, District Aurangabad for offence under Sections 306, 506 r/w 34 of IPC, is hereby assailing order of rejection of discharge application Exhibit 23 in Sessions Case No. 146 of 2023.

2. On report of one Milind Bhalerao, above crime was registered on the premise that, informant's father, who was landless, was beneficiary of 5 acres of land at Sulibhanjan from the Government way back in 1972. Out of it, two and half acre land was given for cultivation to Ramrao shaknar Gusale and remaining two and half acre was given to one Murlidhar Pawar. Subsequently, both of them stopped paying rental income to his father and moreover, it is alleged that Sunil Gusale made encroachment. In spite of intimating it to the Revenue authorities, no action was taken by the Talathi, namely, Gore Appa. That, accused Vishal Karbhari Ghusale (present applicant) and Sunil Tukaram Ghusale started harassing father of informant and even issued threats to kill him. Only because of the above act, informant's father allegedly committed suicide on 04.04.2021 by hanging himself. A suicide note was found alleged to be authored by deceased naming applicant and other accused.

3. On above accusations, above crime was registered against Vishal Karbhari Ghusale (present applicant), Sunil Tukaram Ghusale and Talathi Gore Appa. After carrying out investigation, Khultabad police chargesheeted all three accused for commission of offence under Sections 306, 506 r/w 34 of IPC.

4. Case was committed for trial. Before commencement of trial, present applicant filed application Exhibit 23 before the learned Sessions Court urging for discharge, however, by order dated 20.08.2025, learned Additional Sessions Judge was pleased to reject the application. Precisely said order is challenged by way of instant revision by making further prayers for discharge.

5. At the outset, learned counsel for applicant pointed out that, main accused Sunil Tukaram Ghusale had filed proceedings for quashing FIR and chargesheet by invoking Section 482 of Cr.P.C. before the Division Bench of this Court. He further pointed out that by order dated 09.09.2024, this Court was pleased to allow said application, quashing the FIR as well as the charge sheet.

6. He further submitted that present applicant is similarly situated and on same set of material, there are allegations of he to be responsible for the said suicidal death. He pointed out that there is no material in the chargesheet for attracting abetment under Section 107 or offence of Section 306 of IPC. He pointed out that, in entire charge sheet, except a vague suicide note, there is no incriminating material to make applicant face trial, more particularly when similarly situated

accused has stood beneficiary of quashment of FIR and charge sheet. Resultantly, he urges ground of parity for allowing the application.

7. Learned APP would oppose on the ground that, applicant is named in the FIR. That, serious offence of abetment to commit suicide is alleged to be committed. That, there is sufficient material in the charge sheet to make applicant face the charge as well as trial, and thus, according to him, trial court committed no error in rejecting the application.

8. Perused the FIR lodged by Milind Pundlik Bhalerao dated 28.02.2021. According to him, in 1972 Government allotted five acre land to his father Pundlik Keroji Bhalerao, he being landless, i.e. from land gat no. 67 (old survey no. 50) at Sulibhanjan. Revenue entry was given effect by Tahsil office to that extent. It is further reported that, two and half acres land was given for cultivation to each of the persons namely, Ramrao Shankar Ghusale and Murlidhar Pawar. Later on, these two persons allegedly stopped giving rental income and even prevented deceased or his family members to enter the land. When he allegedly approached revenue authorities, i.e. Talathi, there was no cooperation. Said Talathi allegedly threatened deceased that, if he indulged, he would be killed, and according to informant, since

then his father was restless. In spite of approaching various departments, there was no response and some threats to kill were issued on 1st April 2021 for lodging complaint. Hence, according to informant, his father hanged himself on 04.04.2021.

9. Apparently, as pointed out, there are mere allegations of threats to kill to deceased. Last threat was said to be on 01st April, but apparently suicide was committed after three days i.e. on 4th April. In proximity to suicide, there are no allegations whatsoever of any nature.

10. There is suicide note laid hands by investigating machinery and its translated version is reproduced as under :

“I am residing at Suli Bhanjan. There is mutation of 5 acres of land situated at Gat No. 67 and Survey No. 50 and Specimen 8 is prepared. But the concerned Talathi and other village-bullies do not allow my land to be named after me. Talathi and Sunil Ghusale, R/at Sulibhanjan are responsible for this because Talathi threatened us that if I will take further action, he will kill me and my relatives alive.

Yours faithfully

Sd/-

Shri Pundlik Bhalerao

Note :- Unless the online 7 X 12 extract is not given and the government punishes them the dead body should not be taken away”

11. Also perused the statements of witnesses. In the considered opinion of this Court, for attracting offence of Section 306 IPC, there has to be material suggesting abetment to commit suicide, inducement or instigation in any manner on or in immediate proximity to 04th April. Material to that extent is patently missing in the entire charge sheet. It is merely stated in the suicide note that, Talathi and present applicant along with Sunil and Vishal Karbhari Ghusale are goons of the village and they were threatening to kill deceased and his relatives. Therefore, except allegation of threats, there is no incriminating material.

12. Time and again, in umpteen judgments, Hon'ble Apex Court as well as this Court has dealt with key principles while discharging accused from charge of Section 306 IPC. It is reiterated that, apart from inducement, direct instigation, active participation, there has to be *mens rea* also. The proximate trigger which led to suicide is also time and again clarified while dealing with above provision.

Few cases that could be named are, *Ramesh Kumar v. State of Chhattisgarh* (2001) 9 SCC 618, *S. S. Chheena v. Vijay Kumar Mahajan and Others* (2010) 12 SCC 190 as well as *M. Mohan v. The State represented by The Deputy Superintendent of Police* MANU/SC/0161/2011, wherein standard of “instigation” is elaborately dealt and discussed.

Even, recently in the case of *Abhinav Mohan Delkar v. State of Maharashtra and others*, MANU/SC/1103/2025 the Hon’ble Apex Court has reinforced “proximate trigger” doctrine emphasizing that there has to be close temporal and casual connection between the conduct of accused and the alleged suicide. Continuous harassment, without recent instigation, is held to be not sufficient to sustain the charge.

13. Here, another pertinent feature is that, co-accused Sunil had preferred Criminal Application No. 1262 of 2021 before the Division Bench of this Court by invoking Section 482 of Cr.P.C. for quashment of FIR and charge sheet. Copy of the order passed by this Court dated 09.09.2024 is annexed herewith. The applicant therein, namely Sunil, against whom there are same sort of allegations and against whom similar material was made applicable, has succeeded in getting

chargesheet and FIR quashed. Therefore, similarly placed person like accused, against whom also there are similar allegations, also deserves same treatment. In view of the above, following order is passed :

ORDER

- I. The Criminal Revision Application is allowed.
- II. The order dated 20.08.2025 passed below Exhibit 23 in Sessions Case No. 146 of 2023 by the Additional Sessions Judge-13, Chhatrapati Sambhajnagar (Aurangabad) is hereby quashed and set aside.
- III. The FIR vide Crime No.110 of 2021 registered with Khultabad Police Station, District Aurangabad and the proceedings in Sessions Case No. 146 of 2023 pending before the learned Additional Sessions Judge-13, Chhatrapati Sambhajnagar (Aurangabad) for offence punishable under Sections 306, 506 r/w 34 of IPC, stand quashed and set aside as against the present revision petitioner.
- IV. The Criminal Revision Application is accordingly disposed off.

[ABHAY S. WAGHWASE, J.]