HARSHADA H. SAWANT
(P.A.)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO.1435 OF 2025

Shantanu Sharad Chopra .. Petitioner

Versus

The State of Maharashtra and Anr. .. Respondents

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- Mr. Harshad V. Nimbalkar, Senior Advocate a/w. Mr. Satyam Harshad Nimbalkar, Advocates i/by Mr. Abhishik Ulhas Arote for Petitioner.
- Ms. Sangeeta E. Phad, APP for Respondent No.1.
- Mr. Viral Mukte, Advocate for Respondent No.2 appointed through the legal aid.
- API – Balagi Thakur, Bavdhan Police Station, Pune.

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CORAM : MILIND N. JADHAV, J.

DATE : OCTOBER 22, 2026

P.C.:

1. Heard Mr. Nimbalkar, learned Senior Advocate for Petitioner; Ms. Phad, learned APP for Respondent No.1 and Mr. Mukte, learned Advocate for Respondent No.2 appointed through the legal aid.

2. Petitioner in the present case is a doctor who is currently in the fourth year of neurosurgery specialization after completing his medical studies. He is 30 years old. First informant is the mother of deceased – victim. The date of the First Information Report (for short 'FIR') is 16.10.2024. The incident in question when the victim ended her life by hanging is of 24.09.2024. There is delay of 27 days in filing FIR but for which no explanation is offered in column No.8 of the FIR.

3. The victim left behind a suicide note, copy of which is appended to the Petition. Petition seeks quashing of the offence of abetment of suicide under Section 108 of Bharatiya Nyaya Sanhita, 2023 (for short '**BNS**') against Petitioner.

4. Incident in question occurred on 24.09.2024 which was preceded by a precursor quarrel on the intervening night of 23.09.2024 and 24.09.2024. Case and evidence against the Petitioner is circumstantial. Petitioner has no antecedents and principal ground on which present Petition is argued is that Petitioner has no active role or instigation attributed to him, neither there is any proximity between the alleged act and commission of suicide by the victim and also on the basis of knowledge and delay in lodging the FIR by mother of the victim.

5. In order to understand the grounds on which Petitioner has approached this Court for quashing, brief facts in the present case will have to seen. It is seen that that the victim is 37 years old and Petitioner is 30 years old. Victim had pursued her MBA and was working in a company in Pune. Between the years 2014 – 2023, victim had entered into two marriages and was legally divorced from both her spouses marriages. Since 2019 she was alone and single.

6. In July, 2024, victim befriended Petitioner and from that point of time they both developed a romantic relationship.

Complainant - First Informant who is mother of the victim and has stated in the FIR that after her second divorce, she met Petitioner and they both were decided to live together and First Informant mother was so informed by victim. Between July, 2024 to September, 2024, both parties namely Petitioner and the victim continued with their relationship. Petitioner was working as a Doctor in a prestigious hospital in Pune, whereas victim was working in a Company in Pune. Prosecution recorded statement of 5 witnesses (all relatives of victim), copies of which are appended at page Nos.74, 75, 88, 92 and 115 of the Petition. With the aid assistance of both the learned Advocates, I have perused the said statements.

7. It is also seen that after the first marriage of victim in the year-2014, she had gone to America to reside with her first husband but because of their differences, she returned back in 2017 and was thereafter divorced. Thereafter in the year 2017 she got married for the second time but within 2 years in the year 2019, she took divorce by mutual consent in view of incompatibility with her second husband.

8. The fact that Petitioner and victim were known to each other and were in a relationship was known to everybody. The unfortunate incident occurred on 24.08.2024. However on the preceding night before the incident, victim was infact staying and residing with the Petitioner in his flat. It appears that at around midnight on

24.09.2024, there was a quarrel between them and it is alleged that Petitioner asked the victim to leave. From the material placed on record, victim asked him as to where would she go, to which it is alleged that Petitioner responded by stating that she can go wherever she wants or she can even end her life.

9. After this episode on the previous night, victim went to stay at her flat on the following day and in the morning at about 8:45 a.m. committed the unfortunate and inevitable act and ended her life. First Informant - Complainant attempted to contact the victim but her calls went unanswered so she called upon the victim's cousin brother to go to her house and check about her well being. When the cousin brother went to her house, he found her hanging from the fan and the suicide note was recovered. Copy of the suicide note is appended to the Petition. In the suicide note, victim states about the harassment meted out to her by Petitioner and that the Petitioner should not be pardoned. These are the only sentences which are stated in the suicide note without any details which is recovered by prosecution.

10. Mr. Mukte, learned Advocate appearing on behalf of Respondent No.2 - Complainant through the legal aid has vehemently argued and persuaded me to consider that the allegations against Petitioner are neither vague nor inherent. He would submit that allegations against Petitioner *prima facie* disclose a specific and

proximate sequence of events involving both parties and more specifically the precursor incident immediately preceding the act which was the trigger for driving the victim to take the extreme step of ending her life.

10.1. He would submit that the victim had already undergone two divorces and was absolutely committed to the relationship with the Petitioner despite which on the previous night, due to the quarrel between them he had angered her by stating that she should leave him and if she wanted, she can end her life also. He would submit that the factum of both parties being together for years created a general belief in the mind of the victim that Petitioner will marry her and settle with her and therefore when the Petitioner used the cuss words that she should go and end her life, victim was undoubtedly strained to take the inevitable step fearing for the worst.

10.2. He would also submit that on the previous night of the incident, Petitioner informed the victim that he had to be on a video call with his parents in Bangalore as they were planning to introduce him to his prospective bride for the proposal of marriage which they had received.

10.3. He would further submit that notwithstanding the long relationship between the parties and the quarrel which took place thereafter on the previous night, the victim was placed in a situation of

acute emotional distress and supposedly humiliation because she saw the writing clear on the wall that she will have to part ways with the Petitioner. He would therefore persuade the Court to allow the trial to take place for instigating and pushing the victim to take the ultimate inevitable step of ending her life. He would submit that any sort of exhortation in such a relationship to tell a person to go and die or end her life should be taken very seriously by the Court and in such a case Court should not come to the aid of the Petitioner at all and allow the trial to proceed for convicting the Petitioner.

11. I have considered the submissions made by both learned Advocates at the bar and with their able assistance perused the entire record of the case. The material which is placed before the Court is the suicide note of the victim, the FIR statement of the victim's mother who is the First Informant filed 22 days after the date of incident, the 5 statements of the relatives of the victim who were all the knowhow about the victim's relationship with the Petitioner.

12. At the outset, it is *prima facie* seen that Petitioner is /was 7 years younger than the victim. The victim and Petitioner were in a relationship since July, 2024 is an undenied fact which was fully known to her family members also. When the statement of the independent witnesses, who are cousin brothers of the victim are read, that they have stated that after the second divorce of victim in the

year-2023, she used to remain very sad but after she got acquainted with the Petitioner, things turned to the better.

13. This in itself *prima facie* shows the pre-existing mental status of the victim which was unconnected to the Petitioner altogether. It is but natural for the victim because she had already undergone the mental stress and depression on account of her past failed relationships with her two former husbands which is a factor completely independent of she becoming acquainted with the Petitioner. The sole statement of the victim in her suicide note that she was tired because of the harassment meted out by the Petitioner will have to be viewed in perspective because prior to the incident in question and the said suicide note for more than five years when both Petitioner and victim were together in a relationship, there is not a single instance which shows that the relations between them were strained for any reason or any harassment was meted out to her by Petitioner.

14. It is seen that the essential ingredient of instigation under Section 306 of the IPC which is now Section 108 of BNS pertains to the active role for instigation attributable to the delinquent. In the present case, the overt act which points out an active role played by the Petitioner that could constitute abetment ought to be seen rather than mere allegation of a strained relationship or bald allegation of harassment meted out to the victim which in my opinion was made out

of sheer frustration because of the ignominy of losing the Petitioner due to the marriage proposal which he had received.

15. In the absence of any particular facts, such cannot amount to instigation in law. The statement of the witnesses which have been recorded who were fully aware about the relationship between the victim and Petitioner also do not focus or comment upon even a single incident between the parties which could have shown any harassment or abuse meted out to the victim by Petitioner. Thus it is seen that there is no reasonable proximity in time between the alleged act of the Petitioner about harassment meted out to the victim about which no details are given and the ultimate act of committing suicide.

16. In that view of the matter, the factum of abetment cannot stand proved. The fact that First Informant did not register the FIR for 22 days has no plausible explanation for the delay, *prima facie*, though it does not completely weaken the prosecution case but most importantly, the credibility of the allegations against the Petitioner are important. It is also seen that there is absence of *mens rea* on the part of Petitioner to commit any act of instigation against the victim so as to push or drive her to take the ultimate inevitable step which form the essential ingredients of the provisions of Section 306 IPC/ Section 108 BNS, which are *prima facie* not satisfied in the present case. Considering the fact that the victim was 7 years older to the Petitioner,

mature, that she was in a live-in relationship for 3 months, the factum that the victim was emotionally stressed and was leading a very sad life and going through previous two divorces is *prima facie* seen from the witness statements and when she immediately faced a situation of losing the Petitioner to marriage with another, the quarrel occurred on the previous night, she took the ill-fated step of ending her life on the next day.

17. The question before the Court is whether on the previous night, the material placed before the Court would show active connivance by and of the Petitioner in driving the victim to take her own life? After going though the prosecution material, the answer, in my opinion is in the negative. There is nothing placed on record to show any such incriminating material.

18. Though this Court is conscious of the fact that the victim has lost her life and in doing so, she has left behind a two-line suicide note, to indict the Petitioner on the basis of the same, however the same is otherwise not supported by any in criminating material gathered by the prosecution.

19. In view of the above observation and findings, I am inclined to accept the submissions made on behalf of the Petitioner and allow the present Petition in terms of prayer clause (B) which reads thus:-

> "*B. That, after perusing the record, this Hon'ble Court be*

pleased to Quash the Impugned F.I.R. No. 1174 / 2024 and chargesheet alongwith all consequential proceeding for the Offences punishable u/s. 108 of Bharatiya Nyay Sanhita registered with the Hinjewadi Police Station."

20. This Court appreciates the assistance rendered by Mr. Mukte Sharma, learned appointed Advocate through the legal aid. His fees be paid by the High Court Legal Aid Services Authority as per rules on production of a server copy of this order and other compliances in accordance with the decision of this Court in the case of ***Sanjyot Nitin Telharkar v. The State of Maharashtra & Anr.***[1] and the Schedule under Regulation 18(1) of the Maharashtra State Legal Services Authority Rules, 1998.

21. With the above directions, Writ Petition is allowed and disposed.

H. H. SAWANT

[MILIND N. JADHAV, J.]

RAVINDRA MOHAN AMBERKAR

Digitally signed by RAVINDRA MOHAN AMBERKAR
Date: 2026.10.27 19:54:03 +0530

1 Judgement dated 25.09.2024 passed in Misc.Civil Application No.134 of 2024.