Amberkar

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO. 4654 OF 2026

Tanuja Rohit Vidyagaj & Ors. .. Petitioners

Versus

State of Maharashtra & Anr. .. Respondents

.....

- Mr. Balwant Salunkhe, Advocate for Petitioners
- Ms. Anuja S. Gotad, APP for State
- Mr. Amit B. Patil, API, Bhosari MIDC Police Station, Pimpari Chinchwad

.....

CORAM : MILIND N. JADHAV, J.

DATE : OCTOBER 8, 2026

P. C.:

1. Heard Mr. Salunkhe, learned Advocate for Petitioners; Ms. Gotad, learned APP for State.

2. Petitioners are arraigned as accused in the present crime for having abetted the death of the victim who was husband of Petitioner no. 1. The complainant is the mother arrayed as Respondent No. 2 herein. Petitioner No. 1 and the victim got married on 25.05.2023 but admittedly record shows that due to differences between them, Petitioner no. 1 was living separately with her parents from 24.03.2024. The non-cognizable complaints, which are placed on record by the Petitioners, show that victim had also created nuisance for Petitioner no. 1 and her family members repeatedly by visiting her place of residence in an intoxicated state at night and had abused

Petitioner No. 1 and her parents. The record also shows that Petitioner No. 1 had filed 498A complaint on 24.12.2024 followed by Misc. Application seeking maintenance on 25.03.2025, copies of which are appended at page Nos. 135 onwards to the Petition.

3. The ingredients of abetment are required to be seen at the *prima facie* stage. When the FIR is read, *prima facie*, none of the such ingredients are present. The deceased victim had hung himself in a public place in a parking lot inside a public bus. Though it is alleged in a single line in the FIR that the deceased victim had met with harassment at the hands of Petitioner no. 1 and her family members, save and except this statement, there is no other incriminating fact, incident and or material rather material facts to show any form of harassment meted out to the deceased victim.

4. Deceased victim incidentally was working in a private job as can be seen from the record. In that view of the matter, *prima facie*, mere allegation of harassment and/or existence of matrimonial discord cannot be a sufficient ground to demonstrate instigation or any intentional act leading to or having direct nexus with the commission of the act of suicide. In that view of the matter, I am of the clear view that the Petitioners have made out a case for grant of interim relief. Hence, there shall be ad-interim relief in terms of prayer clause (e) which reads thus:-

> *"e) pending the hearing and final disposal of the present Petition, stay further proceedings in Criminal Case / RCC No. 916 of 2026 pending before the learned Judicial Magistrate First Class, Pimpari, Dist. Pune arising out of FIR/Crime No. 0122 of 2026, registered with Bhosari MIDC Police Station, Pimpri-Chinchwad and restrain the Respondents from proceeding with the said criminal case against the Petitioners."*

5. In view of the above, issue notice to Respondents returnable on 19.11.2026. Hamdast permitted. Private service is also permitted. Affidavit of service along with tangible proof thereof shall be filed on or before the next date.

6. Learned APP waives service on behalf of State.

7. Reply, if any, shall be filed within a period of four weeks from the date of service of the notice. Any rejoinder thereto, if any, shall be filed within a further period of two weeks thereafter.

8. Stand over to **19th November, 2026.**

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[MILIND N. JADHAV, J.]

RAVINDRA MOHAN AMBERKAR

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Date: 2026.10.08 20:22:45 +0530