



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR
CRIMINAL APPLICATION (APL) NO. 154 OF 2024**

1. Mangesh s/o Ramesh Malve
Aged about : 36 Years; Occu : Labour;
2. Satish s/o Ramesh Malve
Aged about : 32 Years; Occu : Labour;

All above R/o Rui Ganj Maidan, Gujri Bazar,
Kamptee, District Nagpur – 441 002.

... **APPLICANTS**

VERSUS

1. State of Maharashtra
through its Police Station, Khardha,
Tahsil and District Bhandara.
2. Natthu s/o Mahadeo Deshmukh
Aged about : 60 Years; Occu : Agriculturist;
R/o Tarsa, Tahsil Mouda, District Nagpur.

... **RESPONDENTS**

Mr. A. P. Chaware, Advocate for Applicants.
Ms. S. V. Kolhe, APP for Respondent No.1/State.
None for the Respondent No.2.

**CORAM : PRAVIN S. PATIL, J.
DATE : FEBRUARY 18, 2026.**

ORAL JUDGMENT

. Heard. **Rule.** Rule made returnable forthwith. Heard finally with
consent of the learned Counsel for both sides.

2. By the present Application, the Applicants are seeking quashment

of Sessions Case No. 95/2023 pending on the file of Additional Sessions Judge, Bhandara and Chargesheet No. 123/2023 dated 8/8/2023 arising out of Crime No. 251/2023 registered with Police Station, Kardha, District Bhandara for the offence punishable under Section 306 read with Section 34 of Indian Penal Code.

3. The case of the prosecution in short is that, on 29/6/2023 Respondent No.2 has lodged the complaint against the present Applicants alleging that marriage of his daughter namely Priyanka (deceased) was solemnized with the Applicant No.1 on 27/3/2016. Out of that wedlock they begotten one son namely, Nayan, who is aged about 6 years. It is alleged that there was some matrimonial discord in the family of Priyanka (deceased), however, he gave understanding to Priyanka, therefore, she did not lodge the police complaint against the Applicants. The Respondent No.2 stated that on 7/6/2023 present Applicant No.1 informed him that Priyanka has left the house, and therefore, he lodged missing report with Police Station, Juni Kamptee, District Nagpur. Thereafter in the investigation, police authorities found that on 9/6/2023 at around 9.00 a.m. dead body of Priyanka was found in Vainganga river. Hence, on the basis of this information, Murg No. 20/2023 under Section 174 of the Code of Criminal Procedure was registered.

Thereafter on the basis of report lodged by the father of the deceased Priyanka, offence came to be registered against the present Applicants.

4. The Applicants, who approached before this Court, came with a case that till the unfortunate date i.e. 9/6/2023, on which the dead body of Priyanka was found, no complaint has been lodged by her against the Applicants nor any allegations are levelled regarding illtreatment meted out to her for any reason. Only the father of deceased Priyanka, in his complaint, mentioned that Priyanka has informed him that there were quarrels between her and the Applicant/husband. Except this, there are no such allegations against the present Applicants that they have, at any time, abetted Priyanka to commit suicide.

5. It will be relevant to consider Section 306 read with Section 107 of Indian Penal Code, which has been interpreted time and again by the Hon'ble Supreme Court of India. According to which, to attract the offence of abetment of suicide, it is important to establish proof of direct or indirect acts of instigation or incitement of suicide by the accused which must be in close proximity of commission of suicide by the deceased. So also the act of abetment require the positive act of instigation or intentionally aiding another

person to commit suicide. In absence of such *mens rea* on the part of accused person a charge under Section 306 IPC does not attract in the matter.

6. It will be relevant to refer the view expressed by this Court in Criminal Application No. 332/2016 decided by this Court on 5/8/2016, whereby this Court has observed in paragraph Nos.11 and 12 as under :

“11. This Court considering the definition of ‘abetment’ under Section 107 I.P.C., found that the charge and conviction of the appellant for an offence under Section 306 is not sustainable merely on the allegation of harassment to the deceased. This Court further held that neither of the ingredients of abetment are attracted on the statement of the deceased.

12. In Ramesh Kumar V. State of Chhattisgarh (2001) 9 SCC 618, this Court while considering the charge framed and the conviction for an offence under Section 306 I.P.C. on the basis of dying declaration recorded by an Executive Magistrate, in which she had stated that previously there had been quarrel between the deceased and her husband and on the day of occurrence she had a quarrel with her husband who had said that she could go wherever she wanted to go and that thereafter she had poured kerosene on herself and had set fire. Acquitting the accused this Court said :

"A word uttered in a fit of anger or emotion without intending the consequences to actually follow cannot be said to be instigation. If it transpires to the court that a victim committing suicide was hypersensitive to ordinary petulance, discord and difference in domestic life quite common to the society to which the victim belonged and such petulance, discord and difference were not expected to induce a similarly circumstanced individual in a given society to

commit suicide, the conscience of the court should not be satisfied for basing a finding that the accused charged for abetting the offence of suicide should be found guilty."

So also, it will be relevant to refer the Judgment of the Hon'ble Supreme Court of India in Prakash and Others V/s State of Maharashtra and Another, 2024 SCC OnLine SC 3835, wherein the Hon'ble Supreme Court has observed in paragraph No.22 as under :

"22. It could thus be seen that this Court observed that in cases of alleged abetment of suicide, there must be a proof of direct or indirect act(s) of incitement to the commission of suicide. It has been held that since the cause of suicide particularly in the context of the offence of abetment of suicide involves multifaceted and complex attributes of human behaviour, the court would be looking for cogent and convincing proof of the act(s) of incitement to the commission of suicide. This Court further observed that a mere allegation of harassment of the deceased by another person would not suffice unless there is such action on the part of the accused which compels the person to commit suicide. This Court also emphasised that such an offending action ought to be proximate to the time of occurrence. It was further clarified that the question of mens rea on the part of the accused in such cases would be examined with reference to the actual acts and deeds of the accused. It was further held that if the acts and deeds are only of such nature where the accused intended nothing more than harassment or a snap-show of anger, a particular case may fall short of the offence of abetment of suicide, however, if the accused kept on irritating or annoying the deceased by words or deeds until the deceased reacted or was provoked, a particular case may be that of abetment of suicide. This Court held that owing to the fact that the

human mind could be affected and could react in myriad ways and that similar actions are dealt with differently by different persons, each case is required to be dealt with its own facts and circumstances.”

7. In the light of this legal position, on perusal of present matter, it is clear that the Applicant No.1 himself has intimated to the family of the Respondent No.2 about missing of deceased Priyanka and also lodged police complaint immediately after she missing from her house. Thereafter on 9/6/2023 her dead body was found in Vainganga river. Hence, it is not the case of close proximity of the commission of suicide by the deceased Priyanka. So also no incriminating evidence is available on record that Applicants have abetted Priyanka to commit suicide in the matter.

8. In my opinion, there is no evidence to demonstrate active and direct action by the Applicants that lead the deceased to commit suicide in the matter. Hence, in any case, offence under Section 306 of IPC is not made out against the Applicants. In the circumstances, it will not be proper to continue criminal proceeding against the present Applicants. I am of the considered opinion that the criminal proceeding registered against the Applicants are liable to be quashed and set aside. Resultantly, following order is passed.

ORDER

1. Criminal Application is allowed.
2. Sessions Case No. 95/2023 pending on the file of Additional Sessions Judge, Bhandara and Chargesheet No. 123/2023 dated 8/8/2023 arising out of Crime No. 251/2023 registered with Police Station, Kardha, District Bhandara for the offence punishable under Section 306 read with Section 34 of Indian Penal Code are hereby quashed and set aside.
3. Rule is made absolute in above terms. No order as to costs.

[PRAVIN S. PATIL, J.]

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