



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION [APL] NO.432 OF 2024

Puja d/o Chandrabhan Jumnake,
Age 27 years, Occ : Service,
R/o. Police Quarters, Palaswadi Area,
Yavatmal. ..

Applicant

..Versus..

1. State of Maharashtra,
Through Police Station Officer,
Police Station Avdhootwadi, Yavatmal.

2. Ravindra s/o Shravan Kinake,
Age 32, Occ : Farmer,
R/o. Borgaolinga, Tah. Ner,
Dist. Yavatmal. ..

Non-Applicants

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Shri Viren Joshi, Advocate with Shri A.A. Naik, Senior
Advocate for Applicant.

Ms. Sonia Thakur, APP for Non-Applicant No.1/State.

Ms. K.E. Meshram, Advocate for Non-Applicant No.2.
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CORAM : PRAVIN S. PATIL, J.

DATED : 13.01.2026.

JUDGMENT

1. By way of present application, the applicant is praying
to quash Regular Criminal Case No.412/2024 pending on the

file of the Judicial Magistrate, First Class, Yavatmal arising out of Crime No.0037/2024 lodged by Police Station, Avadhootwadi, Yavatmal, for the offences punishable under Sections 201, 306 and 504 of the Indian Penal Code read with Section 65 of the Information Technology Act.

2. In short, the case of the prosecution is that the present applicant has abetted the deceased to commit the suicide. It is alleged that on 13.2.2023 due to oral fight at evening between the applicant and deceased, the deceased has consumed the poison. It is further stated that the deceased was ambitious and was stressed due to his failure in not getting police recruitment even after he has attempted examination for three times. It is alleged that at the time of the incident the present applicant was present, but did not restrain the deceased from consuming the poison and left the spot. Hence, according to the complainant, the present applicant is responsible for the offence punishable under section 306, 201 and 504 of the Indian Penal Code.

3. It is further alleged that the present applicant has tampered with mobile phone of the deceased. The complainant when verified the mobile of the deceased, it was realized to him that mobile was formatted and all its contents were disappeared. According to him, it was found that there was a bill of the tailor of the applicant's uniform in the deceased's wallet and accordingly it is alleged that due to instigation of the applicant he has committed suicide in the matter.

4. It will be relevant to consider Section 306 and Section 107 of the Indian Penal Code, which are as under :

Section 306 : Abetment of suicide. - *If any person commits suicide, whoever abets the commission of such suicide, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.*

Section 107 : Abetment of a thing. - *A person abets the doing of a thing, who-*

(a) instigates any person to do that thing; or

(b) engages with one or more other person or persons in any conspiracy for the doing of that thing, if an act or illegal omission takes place in pursuance of that conspiracy, and in order to the doing of that thing; or

(c) intentionally aids, by any act or illegal omission, the doing of that thing.

5. From perusal of these provisions, it is clear that 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 the commission of suicide by the deceased. The act of abetment required the positive act of instigation or intentionally aiding another person to commit suicide. So also there is a requirement of mens rea on the part of the accused person and such instigation should be of such a nature that the person should be left with no choice but to commit suicide. In this regard, the prosecution is required to demonstrate an active or direct action by the accused that led the deceased to take his own life. So also the element of mens rea cannot simply be presumed or inferred, it must be evident and explicitly discernible.

6. In the present matter, from the record no case is made out by the complainant that there was any abetment on the part of the applicant to commit the suicide by the deceased. Only one incident that is of oral quarrel between them is stated in the entire record. Therefore, in my opinion, the ingredients of

Section 306 of the Indian Penal Code are not attracted in the matter.

7. So also, to attract the offence under Sections 201 and 504 of the Indian Penal Code, no evidence is available on the record to say that the present applicant knowingly or having any reason to commit an offence as alleged in the matter. It is further pertinent to note that the only allegation is that the mobile of the deceased was seems to be formatted and all its data was disappeared, but it is not the case that anything was recorded in the mobile or same was intentionally deleted by the present applicant. Hence, in any case, the offence is also not made out under Sections 201 and 504 of the Indian Penal Code as well as Section 65 of the Information Technology Act.

8. The perusal of the record shows that the deceased, who was otherwise under stress due to not getting police recruitment though he has attempted the examination for three times. Thus, applicant cannot be held responsible in the matter. On the contrary, it can be inferred that out of the frustration, he has committed the suicide by consuming the poison.

Therefore, continuing the proceeding against the present applicant for no fault on her part is nothing but abuse of process of law. Hence, interference of this court is necessary in the matter. Accordingly, I proceed to pass the following order :

O R D E R

- (1) Criminal Application is allowed.
- (2) The proceeding of Regular Criminal Case No.412/2024 pending on the file of the Judicial Magistrate, First Class, Yavatmal arising out of Crime No.0037/2024 lodged by Police Station, Avdhootwadi, Yavatmal, for the offences punishable under Sections 201, 306 and 504 of the Indian Penal Code read with Section 65 of the Information Technology Act is hereby quashed and set aside.
- (3) No order as to cost.

(Pravin S. Patil, J.)