



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**NAGPUR BENCH, NAGPUR.**

**CRIMINAL APPLICATION (APL) NO. 1319 OF 2024**

**APPLICANT** :- Shri Swapnil Hemant Khobragade,  
(Accused) Aged about 36 years, Occu: Business  
R/o Rambhaji Nagar, Waghapur Road,  
Yavatmal, Tq. and District Yavatmal.

**..VERSUS..**

**NON-** :- 1) The State of Maharashtra,  
**APPLICANTS** Through Police Station House Office,  
Yavatmal City Police Station, Yavatmal,  
Tq. & Dist. Yavatmal.  
2) Abhay Ramchandra Ambekar,  
Aged about 42 years, Occu: Private Job,  
R/o Gedam Nagar, Near Sandip Talkies  
Yavatmal, Tq. and District Yavatmal.

---

Mr. V.D. Darne, counsel for applicant.  
Ms Soniya Thakur, APP for non-applicant No.1/State.

---

**CORAM** : **PRAVIN S. PATIL, J.**  
**DATE** : **03/02/2026**

**ORAL JUDGMENT :**

1. Heard. **Rule.** Rule made returnable forthwith. By consent of Mr. V.D. Darne, counsel for applicant and Mr. G.S. Umale, learned APP for non-applicant No.1/State, the application is taken up for final hearing at the stage of admission.

2. By this application, the applicant is seeking quash and set aside the Regular Criminal Case No. 789 of 2025, arising out of Crime

No. 463 of 2024 for the offence punishable under Section 306, read with Section 34 of the Indian Penal Code, 1860.

3. The applicant, who is implicated in the offence along with other accused approached before this Court on the ground that there is no such material on record which, prime-facie, demonstrates that he has anytime aided, instigated, or abetted the deceased to commit the suicide. Therefore, no offence is made out against him and seeks indulgence of this Court in the matter.

4. The case of the prosecution, in a nutshell, is that the complainant, who is the husband of the deceased, alleged that he was doing the work of photographer. However, he was not having sufficient earning and therefore, his wife had borrowed certain amounts from various persons, including the present applicant. It is alleged that the present applicant along with other persons, threatened and tortured her for reimbursement of the amount, as a result of which she has committed suicide. Hence, the offence came to be registered against the present applicant in the matter.

5. It is pertinent to note that in the entire complaint, there is no specific allegation that on the date on which, she has committed the suicide, any kind of harassment or instigation was made at the instance of the present applicant. Only the general allegations have been made to the effect that as the wife has borrowed certain amounts, and the present applicant asked to repay the said amount, she has committed suicide.

6. It is pertinent to note that in order to attract the offence under Section 306 of the Indian Penal Code, 1860, the ingredients of Section 107 are required to be satisfied, to the extent that the accused must have instigated, abetted, or intentionally aided the deceased to commit suicide.

7. The Hon'ble Supreme Court of India has, time and again, interpreted Section 306 read with Section 107 of Indian Penal Code, 1860, by holding 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 would require a positive act of instigating or intentionally aiding another person to commit suicide. In the absence of such mens-rea on the part of accused/applicant, the charge under Sections 306, 307 of the Indian Penal Code, 1860, is not sustainable.

8. In the present case, from the perusal of the complaint and the material on record, there is no prima-facie evidence is available on record to indicate that at any point of time the present applicant has any mens-rea or committed any act of instigation to the deceased to commit the suicide. Therefore, prima-facie no case is made out against the applicant. Keeping continue proceeding against Applicant is nothing but abuse of process of Court. Hence, I proceed to pass the following order.

### ORDER

- a] The criminal application is **allowed**.
- b] The proceedings bearing Regular Criminal Case No. 789 of 2025 pending before the 7<sup>th</sup> Joint Judicial Magistrate First Class , Yavatmal, along with Charge-sheet filed in Crime No. 463 of 2024 registered for the offence punishable under Sections 306 read with Section 34 of the Indian Penal Code, 1860, is hereby quashed and set aside.

c] All pending applications stand disposed of.

9. Rule is made absolute in the aforesaid terms. No orders as to costs.

(PRAVIN S. PATIL, J)