



IN THE HIGH COURT OF JUDICATURE AT BOMBAY

NAGPUR BENCH, NAGPUR

CRIMINAL APPLICATION (APL)NO.867/2025

- 1] Sou. Manisha Wd/o. Manish
Gore, Aged 54 years,
Occupation: Service,
R/o. Balaji Park, Pimpalgaon
Road, Yavatmal, Tah. And
District Yavatmal.
- 2] Prasad S/o. Manish Gore,
Aged 32 yrs, Occ. Private Job,
R/o. Balaji Park, Pimpalgaon
Road, Yavatmal, Tah. And
District Yavatmal.

... APPLICANTS

...VERSUS...

- 1] State of Maharashtra
Through Police Station Officer
Railway Police, Badnera,
Tah. Badnera, Distt. Amravati.
- 2] Shashikant Rajeshwar Bhat,
Aged about 60 years,
Occupation - Service,
R/o. Behind Ram Mandir,
Jain Chowk, Yavatmal.

...NON-APPLICANTS

Ms P.N. Lakhani Advocate h/f Shri M.P. Kariya, Advocate for applicants
Shri A.J. Gohokar, APP for non-applicant No.1/State

**CORAM : URMILA JOSHI-PHALKE AND
NANDESH S. DESHPANDE, JJ.**

DATED : 12.11.2025

ORAL JUDGMENT (PER : NANDESH S. DESHPANDE, J.)

Heard. Admit. Heard finally with the consent of learned Counsel for the parties.

2. The present application is taken up for final disposal with the consent of parties. By this application, the applicants are approaching this Court for invoking the inherent powers for quashing of the First Information Report No. 0033/2025, registered with non-applicant No.1 – Police Station Badnera, Nagpur Railway, for the offence punishable under Sections 108, 3(5) of the Bhartiya Nyaya Sanhita. The said First Information Report is lodged at the instance of the non-applicant No.1 on the complaint of non-applicant No.2, alleging that one Santosh Gore committed suicide and was instigated to do so at the behest of the applicants. The facts as stated in the application can be stated in narrow compass as under:

That the applicant No.1 is the mother of the applicant No.2, whereas the applicant No.2 is the son of applicant No.1 who are legal heirs of late Manish Gore, who died in the year 2007 leaving behind an ancestral property situated at Mouza Borati, Tah. Ralegaon, Distt. Yavatmal. The said property was owned by father-in-law of the applicant No.1 and grandparent of applicant No.2 namely late Bhaskarrao Gore, who was serving in the Army. Late Bhaskarrao had two sons namely Manish and deceased Santosh Gore. Manish Gore died in the year 2007.

3. It is further submitted that out of the said land 2.76 H.R. some land has been acquired by the Government for Canal and therefore compensation was awarded and the applicants are equally entitled for the compensation. However, the deceased Santosh Gore obtained Legal Heir Certificate by suppressing the facts of rights of applicants in his name only and by filing false and fabricated documents the entire compensation was drawn in his name. On realizing this, the applicants contacted the deceased Santosh Gore, who initially got ready for the compromise and desired to hand over the half amount of the compensation, but subsequently refused

to do the same on seeking legal advice. The applicants thereafter preferred a complaint before the Police Station Ralegaon, informing about the fraud committed and an offence was registered on 27.02.2025. Similar complaint was also lodged with the Principal District Judge, Yavatmal, against the deceased Santosh Gore.

4. It is also submitted in the application that the deceased Santosh Gore committed suicide on Railway track near Babhulgaon Railway on 24.03.2025 and the non applicant No.2 had lodged a report with the Railway Police Station Badnera on 24.03.2025 and the offence under Section 108 3(5) of the Bhartiya Nyaya Sanhita has been registered against the 34 persons including the applicants, whose name appeared in Sr.No. 25 in the First Information Report, vide First Information Report No. 33/2025. It is this First Information Report which is challenged in the application on various grounds.

5. We have heard Ms P.N. Lakhani, learned Counsel for the applicant who states that in the same matter pertaining to the same First Information Report, Co-ordinate Bench of this Court has

already allowed the application vide Criminal Application (APL) No. 338/2025.

6. In that view of the matter, we have carefully perused the contentions advanced by the learned Counsel. The offence complained of is Section 108 which is *pari materia* to Section 306 of the Indian Penal Code. In the recent judgment of the Hon'ble Supreme Court of India in the case of ***Abhinav Mohan Delkar Vs. State of Maharashtra, MANU/SC/1103-2025***, the law as enunciated is stated as under :

*“20. Again, the ingredients under Sections 107 and 306 of the I.P.C. was interpreted by one of us in **Prakash and Ors. v. State of Maharashtra and Anr.** (B.R. Gavai J., as he then was) in the following manner:*

"14. Section 306 read with Section 107 of IPC, has been interpreted, time and again, and its principles are well-established. To attract the offence of abetment to 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 to the commission of suicide by the deceased. Such instigation or incitement should reveal a clear mens rea to abet the commission of suicide and should put the victim in such a position that he/she would have no other option but to

commit suicide.

15. The law on abetment has been crystallised by a plethora of decisions of this Court. Abetment involves a mental process of instigating or intentionally aiding another person to do a particular thing. To bring a charge under Section 306 of the IPC, the act of abetment would require the positive act of instigating or intentionally aiding another person to commit suicide. Without such mens rea on the part of the accused person being apparent from the face of the record, a charge under the aforesaid Section cannot be sustained. Abetment also requires an active act, direct or indirect, on the part of the accused person which left the deceased with no other option but to commit suicide."

21. It was held that abetment involves the mental process of instigating a person or intentionally aiding a person in doing of a thing and without a positive act on the part of the accused, in aiding or instigating or abetting the deceased to commit suicide, a conviction cannot be sustained.

22. What comes out essentially from the various decisions herein before cited is that, even if there is allegation of constant harassment, continued over a long period; to bring in the ingredients of Section 306 read with Section 107, still there has to be a proximate prior act to clearly find that the suicide was the direct consequence of such continuous harassment, the last proximate incident having finally driven the subject to the extreme act of taking one's life. Figuratively, 'the straw that broke the camel's back'; that final event, in a series, that occasioned a larger, sudden impact resulting

in the unpredictable act of suicide. What drove the victim to that extreme act, often depends on individual predilections; but whether it is goaded, definitively and demonstrably, by a particular act of another, is the test to find mens rea. Merely because the victim was continuously harassed and at one point, he or she succumbed to the extreme act of taking his life cannot by itself result in finding a positive instigation constituting abetment. Mens rea cannot be gleaned merely by what goes on in the mind of the victim.

23. The victim may have felt that there was no alternative or option, but to take his life, because of what another person did or said; which cannot lead to a finding of mens rea and resultant abetment on that other person. What constitutes mens rea is the intention and purpose of the alleged perpetrator as discernible from the conscious acts or words and the attendant circumstances, which in all probability could lead to such an end. The real intention of the accused and whether he intended by his action to at least possibly drive the victim to suicide, is the sure test. Did the thought of goading the victim to suicide occur in the mind of the accused or whether it can be inferred from the facts and circumstances arising in the case, as the true test of mens rea would depend on the facts of each case. The social status, the community setting, the relationship between the parties and other myriad factors would distinguish one case from another. However harsh or severe the harassment, unless there is a conscious deliberate intention, mens rea, to drive another person to suicidal death, there cannot be a finding of abetment under Section 306.”

7. In the backdrop of this law and facts as stated supra, we have carefully perused the material on record. It is admitted fact on record that the Co-ordinate Bench of this Court already has quashed the First Information Report qua the applicant and allowed the application by relying on the judgment of Arnab Manoranjan Goswami Vs. State of Maharashtra, reported in AIR 2021 SC 1.

8. Furthermore, in Criminal Application No. 674/2025, the learned Division Bench of this Court has also quashed the First Information Report qua the applicant in the said application. Same is the case with the Criminal Application 652/2025. It is a settled principle of law that in case of alleged abetment of suicide, there must be a proof of direct or indirect act/s of incitement to the commission of suicide. There is no incriminating material against the present applicants so as to convict them for offence punishable under Section 306. It would be hardly in dispute that the question of cause of suicide, particularly in the context of an offence of abetment of suicide, remains a vexed one, involving multifaceted and complex attributes of human behaviour and responses/reactions.

9. In view of the settled law, we are of the considered view that there there are no allegations as regard instigation, aiding or abetting the offence. Furthermore, there is no material to show any intention of the applicants to instigate or to aid the deceased in commission of offence. In that view of the matter, no offence much less of abetment of suicide can be made out against the present applicant. In that view of the matter, we pass the following order :

ORDER

- i) The application is allowed.
- ii) The the First Information Report No. 0033/2025, registered with non-applicant No.1 – Police Station Badnera, Nagpur Railway, for the offence punishable under Sections 108, 3(5) of the Bhartiya Nyaya Sanhita, is hereby quashed and set aside.

10. The application is disposed of to the extent of the present applicants.

(NANDESH S. DESHPANDE, J.)

(URMILA JOSHI-PHALKE, J.)

Jayashree..