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IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CRIMINAL WRIT PETITION NO. 503 OF 2019

Sadashiv Ambadasrao Gayake

.. Petitioner

versus

The State of Maharashtra & another

.. Respondents

Mr. S. G. Ladda, Advocate for the Petitioner.

Mr. S. B. Narwade, APP for the State.

Mr. R. S. Deshmukh, Senior Counsel along with Ms. Meenal
Deshmukh and Mr. R. R. Jaiswal, Advocates instructed by Mr. V. A.
Chavan, Advocate for Respondent No. 2.

CORAM : R. M. JOSHI, J.

RESERVED ON : 7th SEPTEMBER, 2026.

PRONOUNCED ON : 11th SEPTEMBER, 2026.

ORDER :

1. Petitioner seeks quashment of First Information Report and consequent proceedings pending before learned Additional Sessions Judge, Aurangabad, bearing S.C. No. 177/2019, arising out of Crime No. 63/2019 registered with Kranti Chowk Police Station, District Aurangabad, for the offence punishable under Section 306 r/w 34 of Indian Penal Code.

2. First Information Report was lodged by Nitin Suresh Patil, son of the deceased. On 25.02.2019, after completing routine work at

hotel, he returned home for lunch at about 2.00 pm. Upon enquiry with his mother and wife, he was informed that his father, Suresh Patil, had returned home from Court between 11.45 am to 12.00 noon and was resting in bedroom. At around 2.20 pm, informant asked his son, Nishant, to wake his grandfather for lunch. When repeated knocking yielded no response, they opened the window on the eastern side of the house and found the deceased was lying motionless on bed. Informant, his family members and watchman Devidas forcibly broke open the door. They immediately rushed the deceased to Sai Hospital, Samarthnagar, where the deceased was examined and declared dead. Upon returning home, the watchman alerted the informant to a handwritten suicide note, a pen, a pair of spectacles and a mobile phone placed on the table inside the deceased's room, as well as a bottle of poison on the adjacent table. The deceased has stated in the suicide note that present Petitioner and co-accused had been continuously subjecting him to severe mental torture and harassment over past 20 years by filing false cases against him including the latest complaint lodged with Vedantnagar Police Station. Being exhausted and distressed by the persistent harassment, the deceased consumed poison leaving

behind the note holding the present Petitioner and co-accused responsible for driving him to commit suicide.

3. Consequently, First Information Report No.63/2019 was registered at Kranti Chowk Police Station, District Aurangabad, against the Petitioner and co-accused. After conclusion of investigation, Charge-sheet No. 52/2019 came to be filed on 02.04.2019 and RCC No. 1093/2019 was registered. On 16.04.2019, the case was committed to the Court of Sessions as S.C. No. 177/2019.

4. Learned Counsel for Petitioner submits that the only allegation against the present Petitioner is that, he, in accordance with law, has initiated proceedings as and when justified and warranted against the deceased not in the individual capacity but in the capacity of Chairman of District Co-operative Bank. It is his submission that even if the name of the present Petitioner has been reflected in the suicide note allegedly left behind by the deceased, it will not constitute an offence unless there is supporting material to that effect. It is argued that even if it is accepted that there is a political rivalry between present Petitioner and the deceased, that *per se* does

not amount to any act done by Petitioner in exercise of his rights under the law to be the act of abetment to commit suicide. According to him, though the proceedings were initiated against the deceased as per law, the competent Courts / authorities have taken cognizance thereof and in none of the cases, it was even observed that the proceedings initiated by the Petitioner is abuse of process of law or that it is a malicious prosecution. According to him, in counter reports lodged by deceased and Petitioner against each other in respect of incident of firing in a meeting, both sides were acquitted by competent Sessions Court by giving benefit of doubt to the accused persons. It is his further submission that if it is accepted that initiation of genuine proceeding under the law would amount to abetment to commit suicide, the parties would be precluded from exercising their rights as provided by law. Insofar as the contention of prosecution as well as learned Senior Counsel for the intervenor/informant with regard to last complaint lodged by the Petitioner on the date of commission of suicide by the deceased is concerned, he drew attention of the Court to the record of the prosecution indicating that there is a report of the concerned officer showing occurrence of such incident however, the culprits were said to be not found by the police. It is his submission that since there is

nothing on record to show that this report lodged by the Petitioner is fabricated, misleading or malicious, the question of it to be termed as the triggering point for deceased to commit suicide does not arise. According to him, in any case, there was no reason for the deceased to come to know about any complaint being lodged as there was no complaint against the deceased as recorded at 9.45 am on the relevant date. It is his submission that since the deceased has grievance against the Petitioner, before committing suicide, he named the Petitioner in the suicide note, authenticity of which is also in doubt. It is his submission that accepting the material as it is on record, no offence is made out against the Petitioner and as such this is not a case for exercising extraordinary powers under Section 482 of the Code of Criminal Procedure to quash the First Information Report and consequent criminal proceedings. In support of his submissions, he placed reliance on following judgments :-

- (i) Patel Joshnaben Pravinkumar Patel & others vs. State of Gujarat & another, 2026 LiveLaw (SC) 835 (Merely setting the criminal justice delivery system in motion or lodging a false FIR does not, by itself, constitute instigation or abetment to commit suicide.)
- (ii) Sanjay and others vs. The State of Maharashtra & others MANU/MH/2764/2018 (Adoption of legal remedies)

- (iii) Gangula Mohan Reddy vs. State of Andhra Pradesh
2010(1) ACR 393(SC)
(abetment involves a mental process of instigating or intentionally aiding a person to commit suicide and hyper that sensitive alone does not suffice.)
- (iv) Atul Kumar vs. State of NCT Delhi and another
2021 SCC OnLine Del 4107.
(Taking legal recourse such as issuing a legal notice or lodging a criminal complaint against a person does not constitute abetment of suicide if that person subsequently takes their own life out of stress of fear.)
- (v) Mohit Singhal and another vs. State of Uttarakhand
& others, (2024) 1 Supreme Court Cases 417
(Demand of payment of money not abetment to suicide)
- (vi) Dilip and others vs. State of Maharashtra & others
2016(4) BomCR (Cri) 197
(Response of a person to a situation may differ from person to person, a person who was sensitive may be hurt if things did not happen as per his wish and may unfortunately commit an act, which leads to his death.)
- (vii) Anand Kumar Mohatta and another vs. State (NCT of Delhi)
Department of Home and another
(2019) 11 Supreme Court Cases 706
(Inherent powers under Section 482 Cr.P.C. to quash an FIR/charge-sheet even after a charge-sheet has been filed to prevent abuse of judicial process)

5. Learned APP opposed the petition firstly by submitting that it is not open for this Court to ascertain the evidentiary value of the statements recorded during the course of investigation so also the

contents of the suicide note. It is his submission that admittedly, number of proceedings were initiated by Petitioner against the deceased which is more than sufficient harassment of any individual. It is his further submission that the complaint with regard to the incident dated 25.02.2019 is found to be without substance and as such summary has been filed. To support this submission, he took this Court through the record of the enquiry of said complaint. It is argued that in the facts of the case, it cannot be said that there is no evidence in order to proceed against the Petitioner by framing charge against him. He took this Court through charge-sheet and other material placed on record by prosecution. To support his submissions, he relied on the following judgments :-

- (i) State of Haryana vs. Surinder Kumar
(2000) 10 SCC 337
(On facts High Court in revision was not justified in quashing the charge under S. 306 holding that the suicide was not the result of abetment by accused-respondent merely because suicide was committed 20 days after deceased was accused of stealing 10 gm of gold. Whether or not the allegation was based on truth would have to be decided on basis of evidence presented by prosecution before the Court.)
- (ii) *Chitresh Kumar Chopra Vs. State (Govt. of NCT Delhi)*,
(2009) 16 SCC 605:
“22. In the present case, apart from the suicide note, extracted above, statements recorded by the police during the course of investigation, tend to show that on account of business transactions with the accused, including the appellant herein,

the deceased was put under tremendous pressure to do something which he was perhaps not willing to do. Prima facie, it appears that the conduct of the appellant and his accomplices was such that the deceased was left with no other option except to end his life and therefore, clause Firstly of Section 107 IPC was attracted."

- (iii) *Rajeev Kourav Vs. Baisaheb and Others,*
(2020) 3 SCC 317:

(The evidence produced by the accused in his defence cannot be looked into by the court, except in very exceptional circumstances, at the initial stage of the criminal proceedings. It is trite law that the High Court cannot embark upon the appreciation of evidence while considering the petition filed under Section 482 CrPC for quashing criminal proceedings. Appreciation of evidence not permissible under Section 482 of Cr.P.C.

- (iv) *Munshiram Vs. State of rajasthan and Another.*
(2018) 5 SCC 678:

(The Apex Court held S. 482 has to be cautiously utilised while quashing FIR when the enquiry was pending and there are aspects which may require investigation.)

6. Learned Senior Counsel appearing on behalf of the informant vehemently opposed the petition by contending that here admittedly there was political rivalry between the Petitioner and deceased and owing to the same, Petitioner has instituted number of proceedings not only against the deceased but also against his close associates. In order to support his submissions, he drew attention of the Court to the record indicating number of such proceedings initiated by the

Petitioner. According to him, any individual would get frustrated by lodging of complaints or institution of proceedings before various authorities in the long period of 20 years. This is more than sufficient for any individual to drive him to commit suicide. According to him, the evidence collected during the course of investigation, more particularly suicide note left behind by the deceased, clearly shows complicity of Petitioner in the crime in question and as such extraordinary powers under Section 482 of the Code of Criminal Procedure cannot be exercised by this Court. It is his submission that the complaint made on the fateful day became the last straw and the trigger point for the deceased to end his life. According to him, on the face of it, the material on record indicates that there was no substance in the said complaint and as such summary came to be filed in that regard. To support his submissions, he placed reliance on following judgments :-

- (i) Ude Singh & others vs. State of Haryana
(2019) 17 Supreme Court Cases 301
(Whether a person has abetted in the commission of suicide by another or not, could only be gathered from the facts and circumstances of each case.)
- (ii) Didigram Biksapathi & another vs. State of Andhra Pradesh
2008 (2) SCC 403.
The Supreme Court held that the High Court should be cautious when exercising its inherent power under Section 482

CrPC to quash Section 306 IPC proceedings if a suicide note specifically names the accused and details direct acts of harassment or mental torture.

7. At the outset, it needs to be recorded that this Court while exercising jurisdiction under Section 482 of Code of Criminal Procedure cannot adjudicate upon any issue much less disputed facts. The contention of learned Counsel for Petitioner with regard to the challenge to the writing left behind by deceased would not be considered. The material on record in charge-sheet is accepted as it is and on that footing the petition is decided.

8. There is no dispute about the fact that Petitioner and deceased were political rivals. Deceased was member of Parliament. Further, admittedly, deceased for the relevant period, was Chairman of the District Co-operative Bank and Petitioner was member thereof. Petitioner in the capacity of member has initiated proceedings under Maharashtra Co-operative Societies Act against the Chairman of the bank as well as other office bearers attributing non-compliance of provisions so also various other issues including mis-appropriation. Moreover, the proceedings which are not instituted under Maharashtra Co-operative Societies Act are not instituted against the

deceased in the personal capacity rather as the Chairman of the bank. Now, question arises as to whether *per se*, lodging/instituting proceedings as provided by law would be considered as instigation/abetment to commission of suicide. In order to appreciate and decide said issue, it would be necessary to take into account relevant provisions of Indian Penal Code which read thus :-

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.

107. Abetment of a thing.—

A person abets the doing of a thing, who –

(Firstly) - Instigates any person to do that thing; or

(Secondly) - 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

(Thirdly) - Intentionally aids, by any act or illegal omission, the doing of that thing.

Explanation 1.— A person who, by wilful misrepresentation, or by wilful concealment of a material

fact which he is bound to disclose, voluntarily causes or procures, or attempts to cause or procure, a thing to be done, is said to instigate the doing of that thing.

The above provisions clearly indicate that in order to constitute an offence of abetment to commit suicide, there has to be act or omission on the part of the accused with an intention to drive the deceased to commit suicide or the act should be of such a nature that it will drive such person to end his life. There must be instigation to commit suicide or aid intentionally for doing the same.

9. It is the contention raised on behalf of the informant that there are number of proceedings initiated by the Petitioner against the deceased as well as his close associates over a period of 20 years. These proceedings are essentially under the provisions of Maharashtra Co-operative Societies Act and in respect of the acts done or purported to be done in connection with District Co-operative Bank. It is pertinent to note that these proceedings are not in the individual capacity of deceased as well as his associates. All these proceedings, as pointed out to this Court, pertain to the post held by these persons in the bank and in respect of their acts in the said official capacity. Needless to say that it is always open for any

member or competent person to institute proceedings if any irregularity is found to have been committed or any misconduct is noticed. It is also pertinent to note that in all these proceedings, at no point of time none of the Courts has made any observation with regard to the abuse of process of law or the proceeding initiated being malicious. In absence of any such observation, it would be difficult for this Court to accept the contention of informant that the proceedings instituted by the Petitioner were malicious in nature.

10. Having regard to the nature of offence, what is relevant is what accused intends or seeks to achieve by his acts rather than what is perceived by the deceased. Unless there is material to indicate such intention on the part of accused, essential ingredients of Section 306 r/w Section 107 of Indian Penal Code would not get attracted.

11. In case the contention of learned Senior Counsel for informant is accepted that filing of number of proceedings as per law, would amount to abetment to suicide committed by person against whom such proceedings are initiated, would lead to a situation that any person who consistently is involved in the criminal activities or violation of the provisions of law either in individual capacity or in

the capacity of post held by him, could never be prosecuted. There would be thus license to such person to commit illegality as the complainants would be held responsible in case he commits suicide in future. This may appear hypothetical situation but it is not wholly imaginary.

12. One more aspect needs consideration is that whether it would be proper to prosecute the person who legitimately invokes provisions of law to take exception to illegalities, irregularities, offences etc. committed by another person. In considered view of this Court, it could not be done so except only in case of malicious or vexatious litigation in an appropriate case, wherein allegations regarding abetment may sustain. As discussed above there is absolutely no material on record to hold so in the instant case. Even in case of acquittal of deceased and present Petitioner in counter cases, there is no observation about complaint/information being malafide, mischievous or false implication. The acquittal is recorded by giving benefit of doubt to the accused persons. Similarly, though summary is filed by police, the report on record dated 06.07.2022 indicates that there is substance in the allegation of occurrence of incident. It

is only for the reason that accused were not found, summary came to be recorded.

13. Most importantly, there is no nexus between the previously instituted proceedings by Petitioner against the deceased in terms of proximity of time to the act of suicide. The dispute/litigation is atleast two decades old, prior to unfortunate act of suicide by deceased. In this regard, reference can be made to judgment of Hon'ble Supreme Court in case of Mohit Singhal vs. State of Uttarakhand, (2024) 1 SCC 417, wherein it is observed thus:

“11. In the present case, taking the complaint of the third respondent and the contents of the suicide note as correct, it is impossible to conclude that the appellants instigated the deceased to commit suicide by demanding the payment of the amount borrowed by the third respondent from her husband by using abusive language and by assaulting him by a belt for that purpose. The said incident allegedly happened more than two weeks before the date of suicide. There is no allegation that any act was done by the appellants in close proximity to the date of suicide. By no stretch of imagination, the alleged acts of the appellants can amount to instigation to commit suicide. The deceased has blamed the third respondent for landing in trouble due to her bad habits.”

Similarly, in case of Amalendu Pal vs. State of West Bengal,
(2010) 1 SCC 707, it is observed thus :-

“12. Thus, this Court has consistently taken the view that before holding an accused guilty of an offence under Section 306 IPC, the court must scrupulously examine the facts and circumstances of the case and also assess the evidence adduced before it in order to find out whether the cruelty and harassment meted out to the victim had left the victim with no other alternative but to put an end to her life. It is also to be borne in mind that in cases of alleged abetment of suicide there must be proof of direct or indirect acts of incitement to the commission of suicide. Merely on the allegation of harassment without there being any positive action proximate to the time of occurrence on the part of the accused which led or compelled the person to commit suicide, conviction in terms of Section 306 IPC is not sustainable.”

Here in this case, by no stretch of imagination it could be said that the earlier proceedings have any connection with the act of deceased to commit suicide.

14. Apart from this, inspite of the fact that there are proceedings being filed over a period of 20 years, there is nothing on record to indicate even any attempt being made by the deceased to invoke provisions of Maharashtra Vexatious Litigation (Prevention) Act, 1971, more particularly when at the relevant time he was Member of Parliament.

15. It is further case of prosecution that the complaint lodged by the Petitioner against the deceased on 25.02.2019 is the trigger point and immediate cause for his commission of suicide. In order to consider the said issue, it would be relevant to take note of the documents relied upon by prosecution. There is no dispute about the fact that the Petitioner had lodged a complaint with concerned Police Station in respect of an incident occurred with him on the fateful day. Record indicates that the complaint was recorded at about 9.43 am. In the said complaint there is no reference of name of the deceased. It is only when First Information Report came to be registered at about 8.30 pm, the name of deceased came to be revealed. Much prior thereto i.e. in the afternoon itself deceased ended his life. In such circumstances there ought to have been evidence collected during investigation to show at least that there was

a complaint against deceased and that this was made known to him. However, there is absolutely no material on record to indicate that deceased had any knowledge with regard to any complaint being made against him before he committed suicide. The First Information Report in this regard came to be lodged at about 10.00 pm and Petitioner, who was present in police station to lodge his complaint, was arrested forthwith.

16. Thus, on the basis of documents placed on record by prosecution itself it can be said that there is no evidence to show the knowledge of the deceased with regard to filing of complaint by Petitioner with police, muchless any complaint against him. Therefore, the act of filing of complaint by the Petitioner on fateful day can not be considered as an act of instigation to commit suicide. In any case, it was constitutional right of the Petitioner to report the incident happened with him to police. Since there is record to support occurrence of such incident, no malafides can be attributed in that regard against the Petitioner. Right to justice under Article 21 of the Constitution of India, is indefeasible right of a victim, i.e. Petitioner. Thus, his act to approach police station to record his

complaint, by no stretch of imagination could be termed as offence by connecting the same with death of deceased.

17. As far as appearance of name of Petitioner in the suicide note of deceased is concerned, it would be relevant to take note of judgment of Hon'ble Supreme Court in case of Patel Joshnaben Pravinkukmar Patel (supra), has observed thus :-

"22. In our view, lodging an FIR, even if it is false, against a person, per se, does not amount to instigating that person to commit suicide. Besides, here the FIR was lodged by the deceased's wife who had suffered injuries. Otherwise also, every individual has a right to take recourse to appropriate proceedings under law to protect his or her rights. Therefore, if a person sets the criminal justice delivery system in motion, he cannot be held liable for abetment to commit suicide, if the person against whom proceedings were initiated commits suicide.

24. While assessing whether a prima facie case of abetment to commit suicide is made out or not, the court must not merely consider the allegations in the suicide note but also the surrounding facts of the case. Merely because a dejected husband, or lover, out of frustration, ends his life and puts the blame on the accused, in his suicide note, is not enough to conclude that a prima facie case is made out against those who are blamed. The court

would have to consider whether the conduct of the accused complained of in ordinary circumstances would have driven an ordinary person, not an over sensitive person, to take that drastic step to end his life.

18. No doubt, the said case pertains to the matrimonial dispute but the ratio laid down by the Supreme Court would apply to the present case. Mere naming of Petitioner in suicide note without any supporting material would not be enough to accept his complicity in crime nor he could be made to undergo rigors of trial for that sole reason. Therefore, factum of naming the Petitioner and putting blame on him in the suicide note is not enough to hold him liable for abetment to commit suicide unless there are surrounding facts supporting such blame so also the conduct of the accused is of the extent which would drive an ordinary person to commit suicide, which are absent here.

19. In the present case, the conduct as well as the intention of the accused seems to be bonafide so as to protect his own rights and interest of the Bank of which he is a member, by taking recourse to the appropriate proceedings under law. Furthermore, in the absence

of any positive act intended to lead the deceased end his own life, no *mens rea* can be attributed to the Petitioner.

20. In absence of any evidence to show that Petitioner intended to drive deceased to commit suicide or acts of Petitioner were of such nature that would lead a person to end his life, no offence of abetment of suicide has been made out against the Petitioner. He, therefore, cannot be compelled to undergo rigors of the criminal trial. Consequently, petition deserves to be allowed and accordingly stands allowed in terms of prayer clauses 'B' and 'B1' qua present Petitioner.

(R. M. JOSHI, J.)

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