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ABC 2017 (I) 197 BOM
ACQUITTAL & BAIL CASES
HIGH COURT OF BOMBAY
(B.R. Gavai & Kum. Indira Jain, JJ.)
Criminal Application [Apl] No.428 of 2016
Decided on 6 January, 2017

Nagpur Bench

SANDIP AJAY WADSE & OTHERS - Applicant(s).
Versus
STATE OF MAHARASHTRA & ORS. - Respondent(s).

Law Covered:- (A) Code of Criminal Procedure, 1973 – Section 482 – FIR – Quashing of – Indian Penal Code, 1860 – Section 306– Charge under – Suicide note – base to set criminal law into motion – Non production of copy of suicide note – No specific instances referred in suicide note or in the FIR – Held, In the absence of specific instances, it is not possible to find out the nexus between – alleged ill-treatment & suicide – the most important requirement to attract the provisions of Sec. 306 missing – FIR quashed. (Para 8)

(B) Indian Penal Code, 1860 – Section 306– Essential Requirement – Held, it is necessary for the prosecution to at least prima facie establish that accused had an intention to aid or instigate or abet – the deceased to commit suicide – In the absence of availability of such material, accused cannot be compelled to face trial for the offence punishable u/s 306. (Para 7)

Facts:- The victim committed suicide by consuming poison. Her sister lodged a report alleging therein that she was having love affair with applicant no.1. They performed marriage, but family members of applicant no.1 particularly mother and grandfather (applicant nos.2 and 3) were not accepting the marriage and giving threats to beat the deceased and her family members. After the death of the victim her said sister found a suicide note in a cupboard which was seized by investigating agency. From the suicide note, it was revealed that applicants abetted the commission of suicide by the victim.

After perusal of relevant portion of suicide note the hon'ble Bombay High Court observed that that the victim had no grievance against applicant no.1 though she attributed ill-treatment to his mother and grandfather. The

allegations of ill-treatment were found to be omnibus. No specific instances were referred in suicide note or in the FIR. In the absence of specific instances, it was found not possible to find out the nexus between alleged ill-treatment and suicide. Finding the most important requirement to attract the provisions of Sec. 306 missing the FIR was quashed. a

Law of relief:- For an offence u/s 306, IPC, it is necessary for the prosecution to at least prima facie establish that accused had an intention to aid or instigate or abet the deceased to commit suicide. b

Held:- In Dilip Ramrao Shirasao and others (supra), this court, relying upon the catena of decisions of the Hon'ble Supreme Court, held that it is necessary for the prosecution to at least prima facie establish that accused had an intention to aid or instigate or abet the deceased to commit suicide and in the absence of availability of such material, accused cannot be compelled to face trial for the offence punishable under Section 306 of the Indian Penal Code. (Para 7) c d

As the law has been crystalized in the above referred decisions on relying upon the precedents, we do not think it necessary to add anything more to the same. In the case on hand, suicide note is the base to set criminal law into motion. Neither applicants nor non-applicants have produced copy of suicide note. The gist of suicide note can be seen in the communication made by PSI Kholapurigate Police Station to District Government Pleader. Perusal of relevant portion of suicide note would make it clear that Maithili had no grievance against applicant no.1 Sandip though she attributed ill-treatment to applicant nos.2 and 3. The allegations of ill-treatment are omnibus. No specific instances have been referred in suicide note or in the first information report. In the absence of specific instances, it is not possible to find out the nexus between alleged ill-treatment and suicide. Therefore, the most important requirement to attract the provisions of Section 306 of the Indian Penal Code is missing in the present case. In such a situation, applicants cannot be compelled to face trial for the said offence as allowing the continuance of criminal proceeding would amount to an abuse of process law. In this premise, we are inclined to allow the application. (Para 8) e f g h

Counsel:- For Applicant(s): Mr. V.L. Navlani, Advocate.

For Respondent(s): Mr. M.K. Pathan & Mr. C.A. Babrekar, Advocates.

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Cases Referred:-

1. *Dilip Ramrao Shirasao and others .vs. State of Maharashtra and another*, [2016 ALL MR (Cri) 4328]. (Para 6)
2. *Ramesh Someshwarrao Tayde and another .vs. State of Maharashtra and another*, [2016 ALL MR (Cri) 5049]. (Para 6)
- b** 3. *Sanju alias Sanjay Singh Sengar .vs. State of Madhya Pradesh*, 2002 Cri.L.J. 2796. (Para 7)
4. *Madan Mohan Singh .vs. State of Gujrat and another*, (2010) 8 SCC 628. (Para 7)
5. *S.S. Chheena .vs. Vijay Kumar Mahajan*, 2010 All MR (Cri) 3298 (S.C.). (Para 7)
- c** 6. *Swamy Prahaladdas v. State of M.P. & Anr.*, 1995 Supp. (3) SCC 438. (Para 7)
7. *Mahendra Singh v. State of M.P.*, 1995 Supp.(3) SCC 731. (Para 7)
8. *Ramesh Kumar V. State of Chhattisgarh*, (2001) 9 SCC 618. (Para 7)
9. *Madan Mohan Singh*, [2010 ALL MR (Cri) 3245 (S.C.)]. (Para 7)
- d** 10. *Chitresh Kumar Chopra v. State (Govt. of NCT of Delhi)*, (2009) 16 SCC 605. (Para 7)
11. *State of Kerala and others vs. S. Unnikrishnan Nair and others*, AIR 2015 Supreme Court 3351 : [2015 ALL SCR 2824] = ABC 2015(II) 165 SC. (Para 7)

JUDGMENT

KUM. INDIRA JAIN, J.: - By this application under Section 482 of the Code of Criminal Procedure, applicants are seeking quashing of FIR in Crime No.81/2016 registered at Kholapurigate Police Station, Amravati for the offence punishable under Section 306 of the Indian Penal Code.

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2. The facts giving rise to the application may be stated in brief as under :

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(a) Applicant no.2 is mother of applicant no.1 and applicant no.3 is father of applicant no.2. Non-applicant no.2 is elder sister of victim Maithili, resident of Matakhidki within the jurisdiction of Kholapurigate Police Station.

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(b) On 20.2.2016, Maithili committed suicide by consuming poison. Non-applicant no.2 Laxmi Khadse lodged a report on 24.3.2016 alleging therein that Maithili was having love affair with applicant no.1 Sandip. They performed marriage, but family members of applicant no.1 particularly mother and grandfather (applicant nos.2 and 3) were not accepting the marriage and giving threats to beat Maithili and her family members.

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(c) 19.2.2016, Laxmi found that Maithili was tense and disturbed. Maithili informed Laxmi about protest of applicant nos.2 and 3 to her marriage with Sandip and threats to beat her and family members. She also informed that applicant nos.2 and 3 used to abuse her. a

(d) On 20.2.2016, Laxmi notice that condition of Maithili was not good. She was taken to hospital. Laxmi came to know that Maithili consumed some medicine. After some time, she died. b

(e) On 21.2.2016, Laxmi found a suicide note in a cupboard. It was written by Maithili. Thereafter, on 24.3.2016, she reported the incident to police. The suicide note was seized by investigating agency. Its panchanama was drawn. From the suicide note, it was revealed that applicants abetted the commission of suicide by Maithili. c

3. In the above background, applicants approached this Court for quashing of FIR. Vide order dated 29.6.2016, this Court issued notice to non-applicants and by way of an interim order, directed that non-applicant no.1 shall not proceed with FIR registered as Crime No.81/2016. In pursuance to the notice, non-applicants filed their replies. d

4. Mr. Navlani, learned counsel appearing on behalf of applicants, submits that there is no whisper either in suicide note or FIR against applicant no.1 to show that he was responsible in any way for alleged suicide committed by victim. So far as applicant nos.2 and 3 are concerned, learned counsel submitted that only allegation against them is that they did not accept the marriage between applicant no.1 and victim. He submits that in any case, even taking the allegations at their face value, applicant nos.2 and 3 cannot be said to be abettors, as there is no proximity between the alleged ill-treatment and the suicide. According to applicants, allegations are without substance, as family members of Maithili did not accept the marriage and were harassing victim, pressurizing her to sever her relations with applicant no.1. It is submitted that non-applicant no.1 should not have registered the crime, as no motive can be attributed to applicants for alleged suicide committed by victim. e
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5. Mr. Pathan, learned APP for non-applicant no.1- State assisted by Mr. Babrekar, learned counsel for non-applicant no.2, submitted that material placed on record would indicate harassment by applicants to such an extent that deceased had no other alternative, h

a but to put an end to her life. He submits that from the perusal of suicide note and FIR, involvement of applicants as abettors is apparent and, therefore, this is not a fit case in which interference of this Court in extra-ordinary jurisdiction is warranted.

b 6. Before considering the prayer for quashing of FIR under Section 482 of the Code of Criminal Procedure, we find it appropriate to keep in mind essential ingredients necessary to attract the provisions of Section 306 of the Indian Penal Code and the settled law in that regard. The learned counsel for applicants pressed into service a recent decisions of this Court in *Dilip Ramrao Shirasao and others .vs. State of Maharashtra and another [2016 ALL MR (Cri) 4328]* and *Ramesh Someshwarrao Tayde and another .vs. State of Maharashtra and another [2016 ALL MR (Cri) 5049]*

c 7. In *Dilip Ramrao Shirasao and others (supra)*, this court, relying upon the catena of decisions of the Hon'ble Supreme Court, held that it is necessary for the prosecution to at least prima facie d establish that accused had an intention to aid or instigate or abet the deceased to commit suicide and in the absence of availability of such material, accused cannot be compelled to face trial for the offence punishable under Section 306 of the Indian Penal Code. It would be appropriate to reproduce paragraphs 11 to 18 of the said decision here for ready reference :

e "11. The law as to what are the requirements to constitute an offence punishable under Section 306 of the IPC is no more res integra. The law is very well crystalized by the Hon'ble Apex Court in the catena of cases including in the cases of *Sanju alias Sanjay Singh Sengar .vs. State of Madhya Pradesh, reported in 2002 Cri.L.J. 2796; Madan Mohan Singh .vs. State of Gujrat and another, reported in (2010) 8 SCC 628;* and in the case of *S.S. Chheena .vs. Vijay Kumar Mahajan reported in 2010 All MR (Cri) 3298 (S.C.)*.

g 12. In the case of *Sanju @ Sanjay Sengar* cited supra, the appellant before the Apex Court was the brother of Neelam wife of deceased Chander Bhushan @ Babloo. It was the prosecution case that after marriage of Neelam with the deceased, there was continuous ill-treatment by the deceased and his family members to Neelam. As such she had gone to h her parents house and started living with her brother, the appellant before the Apex Court. About two months prior to

the incident, the appellant advised the deceased to take his sister back to her matrimonial house and treat her properly. It was the prosecution case that on 25th July, 1998, the appellant visited the place of the parents of the deceased and pleaded with them that his sister should be rehabilitated in the matrimonial home and should not be physically ill-treated or harassed. It was also the prosecution case that on that day the appellant also said to have threatened the parents of the deceased that if they do not mend their behaviour towards his sister, he would be compelled to resort to filing a complaint under Section 498-A of the Indian Penal Code. On this, the parents of the deceased expressed helplessness. It was the further prosecution case that the parents of the deceased informed the deceased about the same. He went to the house of parents of the appellant, where quarrel took place between them. Therefore, the deceased returned alone and told his brothers and other acquaintances that the appellant had threatened and abused him by using filthy words. On the next date i.e. on 27th July, 1998, the deceased was found hanging with a rope by neck on the raft of his house and he was found dead. A suicide note was left by the deceased. On the basis of the said suicide note, the charge-sheet was filed against said Sanju alias Sanjay Sengar. A petition challenging filing of charge-sheet was filed before the High Court under Section 482 of the Code of Criminal Procedure. The same was rejected. Hence, said Sanju alias Sanjay Sengar approached the Hon'ble Apex Court.

13. The Apex Court in Sanju @ Sanjay Sengar's case considered the earlier judgments in paragraphs 9 to 12 of the said judgment. It would be appropriate to refer to the same -

"9. In *Swamy Prahaladdas v. State of M.P. & Anr.*, 1995 Supp. (3) SCC 438, the appellant was charged for an offence under Section 306 I.P.C. on the ground that the appellant during the quarrel is said to have remarked the deceased 'to go and die'. This Court was of the view that mere words uttered by the accused to the deceased 'to go and die' were not even prima facie enough to instigate the deceased to commit suicide.

a 10. In *Mahendra Singh v. State of M.P., 1995 Supp.(3) SCC 731*, the appellant was charged for an offence under Section 306 I.P.C basically based upon the dying declaration of the deceased, which reads as under:

b "My mother-in-law and husband and sister-in-law (husband's elder brother's wife) harassed me. They beat me and abused me. My husband Mahendra wants to marry a second time. He has illicit connections with my sister-in-law. Because of those reasons and being harassed I want to die by burning."

c 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.

d 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 :

f "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."

14. After considering the earlier judgments, Their Lordships observed thus at paragraph 13 -

"13. It is in a fit of anger and emotional. Secondly, the alleged abusive words, said to have been told to the deceased were on 25th July, 1998 ensued by quarrel. The deceased was found hanging on 27th July, 1998. Assuming that the deceased had taken the abusive language seriously, he had enough time in between to think over and reflect and, therefore, it cannot be said that the abusive language, which had been used by the appellant on 25th July, 1998 drove the deceased to commit suicide. Suicide by the deceased on 27th July, 1998 is not proximate to the abusive language uttered by the appellant on 25th July, 1998. The fact that the deceased committed suicide on 27th July, 1998 would itself clearly pointed out that it is not the direct result of the quarrel taken place on 25th July, 1998 when it is alleged that the appellant had used the abusive language and also told the deceased to go and die. This fact had escaped notice of the courts below.

15. Their Lordships of the Apex Court further have reproduced the suicide note in the said case in paragraph 14 of the judgment, wherein Sanjay Sengar was directly implicated to be the person responsible for suicide of the deceased. After reproducing the said suicide note, Their Lordships observed thus at paragraph 15 -

"15. The prosecution story, if believed, shows that the quarrel between the deceased and the appellant had taken place on 25th July, 1998 and if the deceased came back to the house again on 26th July, 1998, it cannot be said that the suicide by the deceased was the direct result of the quarrel that had taken place on 25th July, 1998. Viewed from the aforesaid circumstances independently, we are clearly of the view that the ingredients of 'abetment' are totally absent in the instant case for an offence under Section 306 I.P.C."

After these observations, Their Lordships allowed the appeal and quashed and set aside the charge-sheet.

a 16. In the case of *Madan Mohan Singh [2010 ALL MR*
(Cri) 3245 (S.C.) (cited supra), the petitioner was working as a
DET in Bharat Sanchar Nigam Ltd. The deceased i.e.
Deepakbhai Krishnalal Joshi has committed suicide. On the
basis of complaint filed by his wife, an FIR came to be
registered. The petitioner had applied for discharge. The trial
Court rejected it. The Gujarat High Court upheld the order of
b the trial Judge. Being aggrieved thereby the petitioner has
approached the Apex Court. The prosecution heavily relied on
the suicide note of the deceased wherein it was stated that the
petitioner was responsible for his death. The Apex Court
negating the contention on behalf of prosecution observed
c thus:-

"10. We are convinced that there is absolutely
nothing in this suicide note or the FIR which would
even distantly be viewed as an offence much less
under Section 306 IPC. We could not find anything in
d the FIR or in the so- called suicide note which could be
suggested as abetment to commit suicide. In such
matters there must be an allegation that the accused
had instigated the deceased to commit suicide or
secondly, had engaged with some other person in a
conspiracy and lastly, that the accused had in any way
e aided any act or illegal omission to bring about the
suicide.

11. In spite of our best efforts and microscopic
examination of the suicide note and the FIR, all that we
f find is that the suicide note is a rhetoric document in
the nature of a departmental complaint. It also
suggests some mental imbalance on the part of the
deceased which he himself describes as depression. In
the so- called suicide note, it cannot be said that the
g accused even intended that the driver under him
should commit suicide or should end his life and did
anything in that behalf. Even if it is accepted that the
accused changed the duty of the driver or that the
accused asked him not to take the keys of the car and
to keep the keys of the car in the office itself, it does not
h mean that the accused intended or knew that the
driver should commit suicide because of this.

12. In order to bring out an offence under Section 306 IPC specific abetment as contemplated by Section 107 IPC on the part of the accused with an intention to bring about the suicide of the person concerned as a result of that abetment is required. The intention of the accused to aid or to instigate or to abet the deceased to commit suicide is a must for this particular offence under Section 306 IPC. We are of the clear opinion that there is no question of there being any material for offence under Section 306 IPC either in the FIR or in the so-called suicide note.

13. It is absurd to even think that a superior officer like the appellant would intend to bring about suicide of his driver and, therefore, abet the offence. In fact, there is no nexus between the so-called suicide (if at all it is one for which also there is no material on record) and any of the alleged acts on the part of the appellant. There is no proximity either. In the prosecution under Section 306 IPC, much more material is required. The courts have to be extremely careful as the main person is not available for cross-examination by the appellant-accused. Unless, therefore, there is specific allegation and material of definite nature (not imaginary or inferential one), it would be hazardous to ask the appellant-accused to face the trial. A criminal trial is not exactly a pleasant experience. The person like the appellant in the present case who is serving in a responsible post would certainly suffer great prejudice, were he to face prosecution on absurd allegations of irrelevant nature. In the similar circumstances, as reported in *Netai Duta v. State of W.B.*, this Court had quashed the proceedings initiated against the accused.

14. As regards the suicide note, which is a document of about 15 pages, all that we can say is that it is an anguish expressed by the driver who felt that his boss (the accused) had wronged him. The suicide note and the FIR do not impress us at all. They cannot be depicted as expressing anything intentional on the part of the accused that the deceased might commit

a suicide. If the prosecutions are allowed to continue on such basis, it will be difficult for every superior officer even to work." (emphasis supplied)

b 17. In case of S.S. Cheena (cited supra), there was a dispute between one Saurav Mahajan, who was a final year student of Law Department and Harminder Singh, a fellow student of the same class with regard to the theft of a mobile phone. This came to the notice of M.D. Singh, the then Head of the Law Department who asked both the students to submit their versions of the incident in writing. The deceased and Harminder gave their versions and, thereafter, M.D.Singh c forwarded their versions to the University authorities for taking necessary action. An inquiry was conducted on 13th October 2003 by the Security Officer of the University Shri S.S.Chheena. During the course of inquiry, on 17th October 2003, Saurav Mahajan committed suicide by jumping in front d of the train. A suicide note was seized from the the pocket of the deceased. On the complaint of father of the deceased, an offence under section 306 of I.P.C. was registered against Harminder Singh. During the course of trial, S.S.Cheena was also impleaded as accused. Being aggrieved by the framing of charge, S.S.Cheena approached the High Court. The High e Court refused to interfere. Being aggrieved thereby, said S.S.Cheena approached the Supreme Court. The Apex Court observed thus:

f "27. This Court in *Chitresh Kumar Chopra v. State (Govt. of NCT of Delhi) (2009) 16 SCC 605* had an occasion to deal with this aspect of abetment. The Court dealt with the dictionary meaning of the words "instigation" and "goadings". The Court opined that there should be intention to provoke, incite or encourage the doing of an act by the latter. Each person's suicidability g pattern is different from the other. Each person has his own idea of self-esteem and self-respect. Therefore, it is impossible to lay down any straitjacket formula in dealing with such cases. Each case has to be decided on the basis of its own facts and circumstances.

h 28. Abetment involves a mental process of instigating a person or intentionally aiding a person in

doing of a thing. Without a positive act on the part of the accused to instigate or aid in committing suicide, conviction cannot be sustained. The intention of the legislature and the ratio of the cases decided by this Court is clear that in order to convict a person under Section 306 IPC there has to be a clear mens rea to commit the offence. It also requires an active act or direct act which led the deceased to commit suicide seeing no option and that act must have been intended to push the deceased into such a position that he committed suicide.

29. In the instant case, the deceased was undoubtedly hypersensitive to ordinary petulance, discord and differences which happen in our day-to-day life. Human sensitivity of each individual differs from the other. Different people behave differently in the same situation.

30. When we carefully scrutinize and critically examine the facts of this case in the light of the settled legal position the conclusion becomes obvious that no conviction can be legally sustained without any credible evidence or material on record against the appellant. The order of framing a charge under section 306 IPC against the appellant is palpably erroneous and unsustainable. It would be travesty of justice to compel the appellant to face a criminal trial without any credible material whatsoever. Consequently, the order of framing charge under section 306 IPC against the appellant is quashed and all proceedings pending against him are also set aside." (emphasis supplied)

18. Recently, in the case of *State of Kerala and others vs. S. Unnikrishnan Nair and others*, reported in AIR 2015 Supreme Court 3351 : [2015 ALL SCR 2824]= ABC 2015(II) 165 SC, Their Lordships had an occasion to consider a similar case. In the said case, the Chief Investigating Officer had committed suicide pending investigation in a murder case. In the suicide note, it was alleged that two of his subordinates were responsible for his this situation. There were some allegations

a against one Advocate and the Chief Judicial Magistrate. The
First Information Report came to be lodged against the
subordinate officers. They filed a petition under Section 482 of
the Criminal Procedure Code. The Kerala High Court quashed
the First Information Report. Being aggrieved thereby, the
State went in appeal before the Hon'ble Apex Court. While
b dismissing the appeal, the Their Lordships of the Apex Court
observed thus :

"13. As we find from the narration of facts and
the material brought on record in the case at hand, it is
the suicide note which forms the fulcrum of the
c allegations and for proper appreciation of the same, we
have reproduced it herein-before. On a plain reading
of the same, it is difficult to hold that there has been
any abetment by the respondents. The note, except
saying that the the respondents compelled him to do
d everything and cheated him and put him in deep
trouble, contains nothing else. The respondents were
inferior in rank and it is surprising that such a thing
could happen. That apart, the allegation is really
vague. It also baffles reasons, for the department had
made him the head of the investigating team and the
High Court had reposed complete faith in him and
e granted him the liberty to move the court, in such a
situation, there was no warrant to feel cheated and to
be put in trouble by the officers belonging to the lower
rank. That apart, he has also put the blame on the Chief
Judicial Magistrate by stating that he had put pressure
f on him. He has also made the allegation against the
Advocate."

8. As the law has been crystalized in the above referred
decisions on relying upon the precedents, we do not think it
g necessary to add anything more to the same. In the case on hand,
suicide note is the base to set criminal law into motion. Neither
applicants nor non-applicants have produced copy of suicide note.
The gist of suicide note can be seen in the communication made by
PSI Kholapurigate Police Station to District Government Pleader. The
h communication is in Marathi. Relevant extract relating to suicide note
reads thus -

“दि. २१/०२/२०१६ क. मैथिली हिचा तिसरा दिवस झाल्यानंतर तिचे रूम मधील सामानाची तपास केली असता तिचे कपडयामध्ये तिची एक डायरी मिळाली. त्या डायरीमधील पान क्र.१ वर Sorry, आई, मावशी, बाबा, कोमल, शुभम, शितला आणि माझ्या हनि आणि बनि चे लक्ष्य ठेवजा मी जात आहे. कायमच आज मला हे नव्हत कराच पण मला संदिपच्या घराच्यानी मला मजबूर केल आई संदिप व मी लग्न केल होत हे त्याचे घरच्यांना माहीती होत. संदिपच ट्रेनिंग संपल्यावर मला लग्न लावुन देतो असे म्हटले होत. परन्तु ते आता पलटले माझा संदिप फसला ग यांच्या मधात त्याला सांभाळा त्याचा काही गुन्हा नाही. पण मला त्याचे घरचे मला मारण्याची आणि तुम्हाला फसवायाची धमकी देह आते म्हणुन तो हार मानत आहे. मी संदिपवर खुप प्रेम करते त्याचे शिवाय जगु शकत नाही. चुक भूल माफ करा. माझा जीव जाण्याचे मागे फक्त आणि फक्त संदिपच्या आईचा व बेलो-याच्या बुढ्याचा हात आहे. संदिप आणि बाकी मला माफ करा संदिप निर्दोष आहे. त्याच्या घरच्यांनी खेळी ली खेळली. त्यांनी मला मरायला मजबूर केल खूब मानसिक छळ केला माझा त्याच जबरदस्ती लग्न करुन देत आहे. मी त्या मुलीकडच्या लोकांना समजावल पण ते एकायला तयार नाही. त्यांनी मला मरायला मजबूर केल खुप मानसिक छल केला माझा त्याच जबरदस्ती लग्न करुन देत आहे. मी त्या मुलीकडच्या लोकांना समजावल पण ते एकयाला तयार नाही. त्यांनी पण मला आणि माझ्या घरच्यांना मरायची धमकी दिली. मला माझा भाऊ एकटाच आहे त्याला काही झाल तर मी काय करू म्हणुन मी मरत आहे. माझ्यासाठी रडु नका, आणि संदिपच्या आणि संदिपच्या घरच्यांना शिक्षा दया, पण संदिपच्या नोकरीवर धक्का नका लागु देऊ. Buy शेवटच मला माफ करा, मी मेली तर माझी बाँडी संदिपकडे नेहून टाका, असे लिहीले आहे.”

Perusal of relevant portion of suicide note would make it clear that Maithili had no grievance against applicant no.1 Sandip though she attributed ill-treatment to applicant nos.2 and 3. The allegations of ill-treatment are omnibus. No specific instances have been referred in suicide note or in the first information report. In the absence of specific instances, it is not possible to find out the nexus between alleged ill-treatment and suicide. Therefore, the most important requirement to attract the provisions of Section 306 of the Indian Penal Code is missing in the present case.

In such a situation, applicants cannot be compelled to face trial for the said offence as allowing the continuance of criminal proceeding would amount to an abuse of process law. In this premise, we are inclined to allow the application.

9. Rule is, therefore, made absolute in terms of prayer clause (i).

Result:- Application allowed.