IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.1550 OF 2026

1) Nenuram Hiraram Fulwariya (Accused No.2)
2) Bhagchand Biyaram Fulwariya (Accused No.3)
3) Pappu Pusaji Ujarpuria (Accused No.4)
4) Anwar Munnawar Shaikh (Accused No. 5) .. Applicants

Versus

The State of Maharashtra and Anr. .. Respondents

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- Mr. R.V. Gupta a/w. Mr. Rohit Vaishwa, Advocates for Applicants.
- Ms. Shilpa G. Talhar, APP for Respondent No.1 – State.
- Ms. Payoshi Roy, appointed Advocate for Respondent No.2
- API – Rupali Chaudhari, Unit – 6, Crime Branch, DCB CID, Mumbai.
- HC - Mulvekar, DCB, CID, Unit - 6, Chembur present.

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CORAM : MILIND N. JADHAV, J.
DATE : NOVEMBER 18, 2026

JUDGEMENT:

1. Heard Mr. Gupta, learned Advocate for Applicants; Ms. Talhar, learned APP for Respondent No.1 and Ms. Roy, learned appointed Advocate for Respondent No.2.

2. By way of present Application, Applicants seek to quash investigation and proceedings against them pending on the file of Additional Sessions Judge, Mumbai bearing Sessions Case No.149 of 2024 on completion of investigation of C.R. No.226 of 2019 registered at DCB CID Unit VI (C.R. No.355 of 2019 registered at Nehru Nagar Police Station) for offences punishable under Sections 306 and 34 of the Indian Penal Code, 1860 (for short "IPC").

3. It is prosecution case that present incident is preceded by an earlier incident wherein, on 25.04.2019, the deceased lodged a complaint at Nehru Nagar Police Station against Accused No.3 for offence punishable under Section 363 IPC alleging that his minor daughter was enticed and lured away by him. It is prosecution case that deceased was under depression and mental distress on account of his minor daughter staying with the accused persons and she being prevented from contacting him. It is prosecution case that on 13.10.2019, owing to the mental agony, deceased committed suicide by jumping in front of a running train on the railway tracks at Tilak Nagar Railway Station. It is prosecution case that during course of investigation, five chits were recovered from his pocket wherein he had attributed his decision to commit suicide to the act of accused persons enticing away his minor daughter and causing him mental agony. On 14.10.2019 Respondent No.2, wife of deceased and mother of the minor daughter, lodged complaint at Wadala Railway Police Station against Applicants having abetted commission of suicide of her husband. Pursuant thereto, C.R. No.226 of 2019 was registered, investigation was carried out and charge-sheet has been filed against Applicants and Accused No.1 for offences punishable under Sections 306 read with 34 of the IPC. Accused No.1 is not before the Court. His role assumes significance since his name alongwith his gang appears in those five chits i.e. suicide note retrieved from the deceased alongwith

the name of the Senior Inspector of Police.

4. Mr. Gupta, learned Advocate for Applicants would submit that Applicants are falsely implicated in the present crime. He would submit that they have absolutely no nexus with the charge of elopement of minor daughter of deceased and Respondent No.2 / complainant or the subsequent unfortunate event. He would submit that Applicant No. 2 was working with Applicant No. 1 and residing in his workshop for the preceding (4) four years and left for his native place on 31.03.2019. He would submit that on 02.04.2019, when officers of Nehru Nagar Police Station, accompanied by deceased and his relatives visited the workshop of Applicant No. 1 inquiring about Applicant No. 2, Applicant No. 1 immediately furnished his address, telephone number and other particulars and even facilitated a video call with Applicant No. 2 in the presence of the police officers. He would submit that Applicant No. 1 attended the police station on the following day and cooperated with investigation and in furtherance to this Applicant No. 2 also attended Nehru Nagar Police Station on 07.04.2019 pursuant to directions from the police.

4.1. He would submit that C.R. No. 131 of 2019 dated 25.04.2019 was registered for offence punishable under Section 363 of the IPC against Applicant No. 2 alone and there is no allegation whatsoever against the remaining Applicants therein. He would submit

that initially investigating agency filed charge-sheet against Applicant No.2 only. However, after further investigation, it was revealed that the minor daughter of informant had committed suicide on 30.03.2019 itself and she had not eloped with Applicant No. 2 as was initially alleged and suspected by the deceased. He would submit that the Additional Chief Judicial Magistrate, 37th Court, Esplanade, Mumbai, by order dated 23.06.2025 passed below Exhibits 01 and 03 in C.C. No. 875/PW/2019, took note of the subsequent investigation and the C-Summary report submitted by the investigating officer after filing of the charge-sheet. He would submit that the Magistrate specifically recorded that the prosecution material itself revealed that the minor daughter of deceased and first informant had infact committed suicide on 30.03.2019 and the complaint was lodged by deceased under the mistaken assumption that she had eloped with Applicant No. 2.

4.2. He would submit that the aforesaid order dated 23.06.2025 further records that the informant (deceased - father) also committed suicide and his wife i.e. Respondent No.2 (First Informant) appeared before the Magistrate and expressed no objection to closing the proceedings. He would submit that the Magistrate, upon considering the subsequent reports submitted by the investigating officer and absence of sufficient material to frame charge, categorically held that allegations against the accused persons were groundless and hence there was no purpose in keeping the proceedings pending against the

remaining accused as well. He would submit that the Magistrate accordingly discharged all the accused persons for the offences punishable under Sections 363 and 368 read with Section 34 of the IPC and cancelled their bail bonds. He would submit that the said order is a material subsequent development which substantially supports the Applicants' contention that the original allegation of kidnapping and wrongful confinement / restraint were not substantiated and proved during investigation.

4.3. He would submit that the present case is founded upon the alleged suicide note comprising five chits, the recovery and genuineness of which are seriously disputed. He would submit that although Respondent No.2, in her complaint dated 14.10.2019, claimed that she was shown five chits of paper at Wadala Railway Police Station, however the said suicide note was circulated in Nehru Nagar area on 13.10.2019 at about 9:40 p.m. He would submit that the inquest panchanama dated 14.10.2019 prepared at Sion Hospital does not record recovery of those five chits of paper allegedly retrieved from the pocket of the deceased and it therefore raises serious questions regarding the manner in which the said 5 chits were produced and handled by the Police Constable, particularly when all articles were handed over to the son of the deceased.

4.4. He would submit that the absence of bloodstains on the suicide note and discrepancies in its custody create serious doubts regarding its authenticity. He would submit that mobile phone of the deceased was produced on 13.11.2019 in a damaged condition with a non-functional display despite the claim that the deceased had spoken to his son at about 8:22 p.m. on the date of the incident. He would submit that the investigating agency failed to explain these circumstances or conduct any meaningful investigation into the manner in which the 5 chits of suicide note were made viral on social media and by whom. He would submit that the suicide note infact contain allegations against the then Senior Police Inspector but no investigation has been done in this regard.

4.5. He would submit that neither the deceased nor Respondent No. 2 made any grievance against present Applicants before any Senior Police Officer between the initial incident in March 2019 and the subsequent registration of FIR in November 2019 and that even C.R. No. 131 of 2019 and C.R. No. 353 of 2019 do not disclose any specific role attributed to present Applicants, except to the extent of the allegation made against them in the FIR. He would submit that Applicants have been subsequently implicated in the present crime on account of alleged business rivalry and political pressure exerted by certain interested persons. He would submit that the order dated 23.06.2025 passed by the Additional Chief Judicial Magistrate, 37th

Court, Esplanade, Mumbai, discharging all the accused in C.C. No. 875/PW/2019, coupled with absence of specific allegations and suspicious circumstances surrounding the suicide note, demonstrates that the prosecution against Applicants is devoid of sufficient material. He would therefore submit that continuation of the present proceedings would amount to an abuse of the process of law and hence the FIR and consequential proceedings deserve to be quashed and set aside on merits.

5. ***PER CONTRA***, Ms. Talhar, learned APP for Respondent - State would submit that present Application deserves to be rejected as investigation has been completed and charge-sheet has been filed against Applicants. She would submit that prosecution case is founded upon the five chits recovered from the pocket of the deceased, wherein he has specifically attributed his mental agony and decision to commit suicide to the conduct of the accused persons in enticing away his minor daughter and preventing her from contacting her parents. She would submit that the allegations contained in the suicide note, coupled with the statements of witnesses and other material collected during investigation, disclose a *prima facie* case against Applicants which require consideration during trial.

5.1. She would submit that the order dated 23.06.2025 passed by the Additional Chief Judicial Magistrate, 37th Court, Esplanade,

Mumbai, in C.C. No. 875/PW/2019, pertains to proceedings initiated for offences punishable under Sections 363 and 368 read with Section 34 of the IPC and the same cannot *ipso facto* absolve Applicants from the allegation of abetment of suicide of the deceased in the present proceedings. She would submit that the offences involved in the present case are distinct and arise out of the conduct of Applicants which is stated to have driven the deceased to commit suicide. She would submit that discrepancies regarding recovery and circulation of the suicide note, condition of the mobile phone and allegations against the then Senior Police Inspector are matters requiring appreciation of evidence and cannot be conclusively determined in proceedings under the inherent jurisdiction of this Court. She would therefore submit that the present Application be dismissed.

6. Ms. Roy, learned appointed Advocate appearing for Respondent No.2 would adopt the submissions made by Ms. Talhar and would submit that Respondent No.2 is wife of the deceased and suffered the unfortunate loss of her husband and daughter in quick succession and circumstances forming the subject matter of the present proceedings. She would submit that her husband - the deceased was under severe mental agony on account of their minor daughter going missing in March 2019 and it was his apprehension that she was enticed away by accused persons. She would submit that the five chits left behind by deceased specifically refer to the acts of accused persons

and the mental trauma suffered by him on account of the same. She would submit that contents of the suicide note seen along with the surrounding circumstances and statements recorded during investigation, *prima facie* indicate involvement of Applicants and precise role attributable to each of them can be examined and proved only during trial.

6.1. She would submit that the discharge order dated 23.06.2025 passed in C.C. No. 875/PW/2019 cannot be construed as a complete exoneration of Applicants from the allegations forming the subject matter of the present proceedings under Section 306 read with Section 34 of the IPC. She would submit that the said order was passed in relation to allegations of kidnapping and wrongful confinement of the minor daughter and the Magistrate was concerned with the sufficiency of material to frame charge for those offences.

6.2. She would submit that the allegation relating to abetment of suicide and circumstances in which the deceased took the extreme step constitute a separate cause for investigation and adjudication. She would submit that the alleged discrepancies in the suicide note and other circumstances relied upon by Applicants are disputed questions of fact which ought not to be examined in detail at the stage of quashing. She would therefore submit that Applicants are not entitled to seek quashing of the proceedings at this stage and hence the

Application deserves to be rejected.

7. I have heard Mr. Gupta, learned Advocate for Applicants, Ms. Talhar, learned APP for Respondent No.1 and Ms. Roy, learned appointed Advocate for Respondent No.2 and with their able assistance perused the record of the case. Submissions made by learned Advocates at the bar have received due consideration of the Court.

8. At the outset, it is seen that the entire prosecution case against Applicants emanates from the alleged kidnapping of the minor daughter of deceased in March 2019 and the consequent mental agony allegedly suffered by deceased which is alleged to have driven him to commit suicide on 13.10.2019. However, it is revealed pursuant to investigation that the minor daughter of the deceased was not abducted at all. Rather it has come on record that the minor daughter of the deceased had infact committed suicide on 30.03.2019 which was not to the knowledge of the deceased. It has come on record that deceased was under the mistaken impression that his minor daughter was lured by Applicant No.2 and she had eloped with him and the Applicants were preventing / precluding her from contacting him. Such material brought on record fundamentally alters the very foundation of the prosecution case. It is not in dispute that the minor daughter of the deceased had gone missing on 30.03.2019 and that deceased lodged

C.R. No. 131 of 2019 on 25.04.2019 against Applicant No. 2 for the offence punishable under Section 363 of the IPC. However, it is revealed during investigation that the minor daughter had herself committed suicide on 30.03.2019 and she had not eloped with Applicant No. 2. Thus, the very premise on which the deceased is alleged to have suffered mental agony on account of his daughter having being abducted and wrongfully restrained by Applicants stands substantially displaced by the subsequent investigation and cognizance of the same having been taken by the Court while passing order dated 23.06.2025.

9. It is further significant to note that there is a considerable time gap between the incident of alleged kidnapping of the minor daughter and suicide committed by the deceased. It is seen that the minor daughter went missing on 30.03.2019 and deceased committed suicide on 13.10.2019, after a lapse of more than six (6) months. It is seen that during this intervening period, Applicants cooperated with the investigating agency. It is seen that Applicant No. 1 furnished all particulars and details of Applicant No. 2 to the police officers and had even facilitated a video call with him in their presence. It is seen that Applicant No. 2 also attended the Nehru Nagar Police Station pursuant to directions of the police and cooperated in investigation. It is seen that the initial complaint dated 25.04.2019 was directed only against Applicant No. 2 alone and no specific allegations were levelled against

any of the remaining Applicants. The material on record does not indicate any specific overt act on the part of Applicants including Applicant No.2 during the intervening period which could be said to have instigated or intentionally aided the deceased to commit suicide. Mere existence of an earlier complaint alleging kidnapping without any further material demonstrating intentional instigation or aid cannot by itself constitute abetment of suicide.

10. In my considered opinion an important subsequent development which cannot be overlooked is the judicial order dated 23.06.2025 passed by the Additional Chief Judicial Magistrate, 37th Court, Esplanade, Mumbai, below Exhibits 01 and 03 in C.C. No. 875/PW/2019. Perusal of the said order reveals that after filing of the charge-sheet, the investigating officer submitted a C-Summary report disclosing that the minor daughter of the deceased had committed suicide on 30.03.2019 and original complaint was lodged under the assumption that she had eloped with Applicant No. 2. In this order Magistrate also took note of the fact that the deceased who was the informant in the previous case had subsequently committed suicide and his wife - Respondent No. 2 appeared before the Court and expressed no objection to closing the matter. Upon considering the subsequent reports and the material before the Court, it concluded that there was no sufficient evidence to frame charge against the accused person i.e. Applicant No.2 and accordingly it discharged all accused

persons for the offences punishable under Sections 363 and 368 read with Section 34 IPC. Though the said order pertains to distinct offences and cannot, by itself, determine the Applicants' liability under Section 306 of the IPC, however in my opinion the findings and the subsequent investigation referred to therein constitute relevant circumstances which cannot be ignored while examining the continuation of the present prosecution.

11. I have also examined the circumstances surrounding the recovery of five chits stated to constitute the suicide note of the deceased. It is seen that Respondent No. 2, in her complaint dated 14.10.2019, claimed that she was shown those five chits at Wadala Railway Police Station. However, Applicants have pointed out that the contents of the suicide note were circulated in Nehru Nagar area on 13.10.2019 at about 9:40 p.m. It is seen that the inquest panchanama dated 14.10.2019 prepared at Sion Hospital does not contain a clear reference to recovery of five chits from pocket of the deceased. The circumstances recorded in the panchanama regarding production and subsequent handling of the said 5 chits by Police Constable particularly when all articles of deceased were handed over to son of the deceased, raise questions regarding their custody and preservation. However I am conscious of the fact that these circumstances, taken individually, may not be sufficient to discard the suicide note at this stage. However, when considered cumulatively they create a serious doubt regarding

the circumstances in which the said 5 chits were recovered, preserved and subsequently circulated / relied upon.

12. Another circumstance which requires consideration is the delay in production of the mobile phone of the deceased. It is seen that the said mobile phone was produced by the complainant only on 13.11.2019, almost a month after the incident and that too in a damaged condition with a non-functional display. This assumes significance in view of the claim that the deceased had spoken to his son at about 8:22 p.m. on the date of the incident and had forwarded the suicide note to other persons. It is seen that the investigating agency has not satisfactorily explained the circumstances in which the mobile phone was not recovered at the time of the incident and how it was subsequently produced after one month in the aforesaid condition.

13. Further, it is seen that the suicide note is stated to contain allegations against the then Senior Police Inspector yet the investigation does not appear to have meaningfully examined the said allegations. These circumstances, when considered along with the discrepancies in recovery of five chits, cast a shadow on the manner in which the investigation has proceeded.

14. The essential requirement for attracting Section 306 of the IPC is the existence of abetment within the meaning of Section 107 of the IPC. There must be material indicating instigation, intentional aid

or engagement in a conspiracy to bring about the commission of suicide. The mere fact that a person has committed suicide and has referred to certain persons in a suicide note would not in every case be sufficient to attract the offence of abetment of suicide. In the present case, even if the suicide note is taken into consideration, the prosecution is required to establish a proximate and live link between the alleged acts of Applicants and suicide committed by the deceased.

15. The kidnapping of the minor daughter was the subject matter of an earlier complaint dated 25.04.2019, whereas the deceased committed suicide on 13.10.2019. During this intervening period, the subsequent investigation revealed that the minor daughter had not been abducted but had committed suicide on 30.03.2019 itself. There is no material placed on record to demonstrate any fresh act of instigation or intentional assistance on the part of Applicants which could have driven the deceased to take the extreme step after such a considerable lapse of time. The mere reference to Applicants in the suicide note, particularly in the backdrop of the subsequent findings of the investigating agency, would not by itself satisfy the ingredients of Section 306 read with Section 34 of the IPC.

16. It is settled law by the Supreme Court in the case of ***Lovely Salhotra and Anr. Vs. State of NCT Delhi and Anr.***[1] that there is no bar under either Section 482 of Code of Criminal Procedure, 1973 or

1 Criminal Appeal No.670 of 2017 decided on 10th April 2017

Section 528 of BNSS, 2023 that prevents quashing of FIR against certain accused persons only neither is there any requirement by law to quash FIR / proceedings as a whole against all accused persons as provided by the case of Applicants before me is clearly covered by the aforementioned decision of Supreme Court hence there can be no impediment in allowing the present Application for quashing the Complaint *qua* the Applicants before me.

17. In view of the aforesaid observations and findings, I am of the considered opinion that continuation of the prosecution against Applicants would not serve any meaningful purpose and would amount to permitting criminal proceedings to continue in the absence of material satisfying the essential ingredients of the alleged offence. The subsequent investigation and the order dated 23.06.2025 passed by the Additional Chief Judicial Magistrate, the considerable time gap between the alleged kidnapping and suicide of the deceased, the absence of any specific act of instigation or intentional aid attributable to Applicants and serious circumstances surrounding the suicide note, when considered cumulatively, do not disclose a *prima facie* case warranting Applicants to undergo the ordeal of a criminal trial. The present Application therefore deserves to be allowed.

18. In view of the above observations and findings, investigation and proceedings against Applicants pending on the file of Additional

Sessions Judge, Mumbai bearing Sessions Case No.149 of 2024 on completion of investigation of C.R. No.226 of 2019 registered at DCB CID Unit VI (C.R. No.355 of 2019 registered at Nehru Nagar Police Station) for offences punishable under Sections 306 and 34 of the IPC are hereby quashed and set aside insofar as the present four (4) Applicants are concerned. All consequential proceedings arising out of the aforesaid FIR and charge-sheet stand quashed and set aside *qua* the Applicants.

19. It is clarified that the observations made in this order are confined to the case of the present four (4) Applicants and shall not affect the proceedings against the remaining accused persons.

20. This Court appreciates the assistance rendered by Ms. Roy, learned Advocate appointed through the Legal Aid to espouse the cause of Respondent No. 2. Her fees are to be paid by the High Court Legal Aid Services Authority as per rules on production of a server copy of this order and other compliances in accordance with the decision of this Court in the case of ***Sanjyot Nitin Telharkar v. The State of Maharashtra & Anr.***[2]and the Schedule under Regulation 18(1) of the Maharashtra State Legal Services Authority Rules, 1998.

21. Resultantly, the Criminal Application is allowed.

[MILIND N. JADHAV, J.]

Ajay

RAVINDRA MOHAN AMBERKAR Digitally signed by RAVINDRA MOHAN AMBERKAR Date: 2026.11.18 13:01:17 +0530

2 Judgment dated 25.09.2024 passed in Misc. Civil Application No. 134 of 2024