



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

928 CRIMINAL WRIT PETITION NO. 1362 OF 2022

Savita D/o. Madhav Vinkare
Versus
The State Of Maharashtra And Another

Mr. P. P. Uttarwar, Advocate for the Petitioner
Mrs. P. J. Bharad, APP for Respondent No. 1
Mrs. A. D. Patil, Advocate for Respondent No. 2 (appointed)

CORAM : R.M. JOSHI, J
DATE : SEPTEMBER 10, 2026

P. C. :

1. This Petition under Section 482 of Code of Criminal Procedure seeks quashment of First Information Report bearing Crime No. 284/2022 registered with Akhada Balapur Police Station, Dist. Hingoli, for the offences punishable under Section 306 r/w 34 of Indian Penal Code and Section 3(2) (va) of Scheduled Castes Scheduled Tribes (Prevention of Atrocities) Act, consequential charge-sheet so also framing of charge against the Petitioner by the Trial Court.

2. In short, it is the case of the prosecution that on 21.07.2022, a girl from Ashram school committed suicide by hanging herself. There were injuries on her wrist. First informant is the father of the deceased. He claims that present Petitioner is the warden. It is also stated in the First Information Report that the deceased committed suicide being fed up with the

harassment caused in the Ashram school. On the basis of the said report, Crime No. 284/2022 came to be registered with Akhada Balapur Police Station, District Hingoli. Investigation came to be done in the crime which culminated into filing of charge-sheet before the competent Court.

3. Learned Counsel for Petitioner submits that the First Information Report vaguely makes allegations against the Petitioner hat behind the back of the informant, the dead body of the deceased was brought to the Government Hospital. According to him, being the Head Master of the Ashram school, when the deceased was found in injured condition/unnatural death, it was absolutely necessary for the Petitioner to rush her to the hospital first. It is his further contention that during the course of investigation, the writings of the deceased were secured by the Investigating Officer which indicate that altogether for different reason than the one which could be attributed to the present Petitioner, the deceased committed suicide. According to him, the statements of other girl students in the hostel do not indicate involvement of the Petitioner in the crime. He, therefore, seeks Petition to be allowed. Finally, it is submitted that the proceedings for quashment filed by similarly placed accused is allowed by order dated 25.08.2026 passed in Criminal Application No. 3543/2022.

4. Learned APP and learned Counsel for the informant opposed the Petition. It is their contention that in the First Information Report, there

are allegations against the present Petitioner, which according to him, are supported by the statement of mother of victim recorded under Section 164 of Code of Criminal Procedure. It is further argued by learned Counsel for the informant that the writings obtained during the course of investigation are not sent for cross-examination of the handwriting expert. In short, informant's counsel makes a grievance with regard to the investigation being not carried out effectively in this regard. They, however, don't dispute the fact about order being passed in application of co-accused.

5. In the peculiar facts of the present case, it would be relevant to take note of the judgment of Hon'ble Supreme Court in case of ***State of Haryana and others Vs. Bhajan Lal and others, 1992 SCC (SUPP)1 335***, which gives guidelines for the decision of quashment of criminal proceedings. Relevant observations made therein read thus :

“102. In the backdrop of the interpretation of the various relevant provisions of the Code under Chapter XIV and of the principles of law enunciated by this Court in a series of decisions relating to the exercise of the extraordinary power under Article 226 or the inherent powers under Section 482 of the Code which we have extracted and reproduced above, we give the following categories of cases by way of illustration wherein such power could be exercised either to prevent abuse of the process of any court or otherwise to secure the ends of justice, though it may not be possible to lay down any precise, clearly defined and sufficiently channelised and inflexible guidelines or rigid formulae and to give an exhaustive list of myriad kinds of cases wherein such power should be exercised.

(1) Where the allegations made in the first information report or the complaint, even if they are taken at their face value and accepted in their entirety do not prima facie constitute any offence or make out a case against the accused.

(2) Where the allegations in the first information report and other materials, if any, accompanying the FIR do not disclose a cognizable offence, justifying an investigation by police officers under Section 156(1) of the Code except under an order of a Magistrate within the purview of Section 155(2) of the Code.

(3) Where the uncontroverted allegations made in the FIR or complaint and the evidence collected in support of the same do not disclose the commission of any offence and make out a case against the accused.

(4) Where, the allegations in the FIR do not constitute a cognizable offence but constitute only a non-cognizable offence, no investigation is permitted by a police officer without an order of a Magistrate as contemplated under Section 155(2) of the Code.

(5) Where the allegations made in the FIR or complaint are so absurd and inherently improbable on the basis of which no prudent person can ever reach a just conclusion that there is sufficient ground for proceeding against the accused.

(6) Where there is an express legal bar engrafted in any of the provisions of the Code of the concerned Act (under which a criminal proceeding is instituted) to the institution and continuance of the proceedings and/or where there is a specific provision in the Code or the concerned Act, providing efficacious redress for the grievance of the aggrieved party.

(7) Where a criminal proceeding is manifestly attended with mala fide and/or where the proceeding is maliciously instituted with an ulterior motive for wreaking vengeance on the accused and with a view to spite him due to private and personal grudge.”

6. Perusal of charge-sheet does not indicate that the present Petitioner has caused any harassment to the deceased in order to accept his involvement in the crime in question. Even if for the sake of argument the statement of mother of the victim is accepted, apart from the fact that it is hearsay, the said statement is not enough to make out a case of abetment to commit suicide by the deceased. In any case, there is evidence to show that the deceased could have committed suicide for altogether different reason as it appears from the writings left behind by her. The statements of other girl students do not indicate involvement of the Petitioner in the crime. As such, there is no evidence in order to compel the Petitioner to undergo the rigors of trial. Thus, it is a fit case for allowing the Petition. In the result, Petition stands allowed in terms of prayer clauses 'B', 'B1', 'B2'.

7. Fees of the appointed Counsel for Respondent No. 2 is quantified at Rs. 10,000/- to be paid by High Court Legal Aid Services Sub-Committee, Aurangabad.

(R. M. JOSHI, J.)

Malani