

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD**

APPELLATE SIDE JURISDICTION

CRIMINAL WRIT PETITION NO.: 1391 OF 2014

1. Mangalsinha Ratnsinha Chauhan,
Age: 40 years, Occu.: Agri.,
2. Karansinha Mohansinha Thakur,
Age: 42 years, Occu: Agri.,
3. Ratnamala Mangalsinha Chauhan,
Age: 40 years, Occu. Household,
4. Rashmi Arjunsinha Thakur,
Age 22 years, Occ. Household.

All R/o Ashok Nagar, Gopal Chawadi,
Nanded, Dist. Nanded.

... **PETITIONERS/
[ORIG. ACCUSED].**

VERSUS

1. The State of Maharashtra.
Through Police Station officer,
Chakur Police Station,
Latur, District Latur.
2. Rajesingha Babusingha Thakur,
Age: 48 years, Occu.: Service,
R/o Government Quarter Chakur,
Tq. Chakur, Dist. Latur.

... **RESPONDENTS
[RESP. NO.2 ORIG. COMPLAINANT]**

Mrs. P. G. Sontakke, Advocate for the Petitioners.
Mr. V. D. Godbharle, A.G.P. for Respondent No.1.
Mrs. Sharda D. Chate, Advocate for Respondent No.2.

**CORAM:- T. V. NALAWADE &
SMT. I. K. JAIN, JJ.
DATED:- 7th APRIL, 2015.**

JUDGMENT:

. This petition is filed under Articles 226 and 227 of the Constitution of India and Section 482 of the Code of Criminal Procedure for quashing F.I.R. in Crime No.207 of 2014 registered at Chakur Police Station, Taluka Chakur, District Latur for the offences punishable under sections 306, 504, 506 read with 34 of Indian Penal Code against the applicants.

2. At the threshold it is to be mentioned here that petition filed by Petitioner Nos.3 and 4 came to be dismissed by this Court vide order dated 1st December, 2014. Thus, the petition is limited to Petitioner Nos.1 and 2. We have heard the learned counsel for the respective parties.

3. The crime is registered on the basis of complaint lodged by Respondent No.2. It is contended that Arjunsinha son of complainant was married to Rashmi, daughter of Mangalsinha, resident of Gopal Chawadi, Nanded on 7th June, 2014. On 14th July, 2014 Arjunsinha went to Nanded to bring back his wife. He returned alone as his wife, in-laws and brother-in-law insisted to transfer

immovable properties in the name of Rashmi else she would not be sent to her matrimonial house.

4. Thereafter, complainant and his wife went to Nanded to bring daughter in law Rashmi. That time also demand to transfer properties was reiterated. On 30th July, 2014 Arjunsinha asked Rashmi on phone to resume his company. She refused for the same. Her mother informed him that unless properties are transferred in the name of Rashmi she would not come back and he was threatened to life. Being tired of harassment Arjunsinha consumed poison. He was admitted to the hospital and during treatment died on 3rd August, 2014 leaving behind him suicide note stating therein that due to constant illtreatment to him and his parents at the hands of his in laws he committed suicide. In the note he blamed his parents, brother-in-law and wife responsible for suicide. There is no whisper in the suicide note regarding illtreatment at the hands of Petitioner No.2 Karansinha. On perusal of papers of investigation we do not find that any role is attributed to Petitioner No.2. In our view, continuation of proceeding against Petitioner No.2 would be an abuse of process of law and so discretion needs to be exercised to that extent.

5. Petitioner No.1 is father-in-law of the deceased. There are specific allegations against him in suicide note and statements of witnesses recorded during the course of investigation. We are, therefore, not inclined to exercise discretion to the extent of Petitioner No.1.

6. In the result, Writ Petition in respect of Karansinha Mohansinha Thakur is allowed. The proceeding of F.I.R. in Crime No.207 of 2014 registered at Chakur Police Station, Taluka Chakur, District Latur for the offences punishable under sections 306, 504, 506 read with 34 of Indian Penal Code is hereby quashed and set aside to the extent of Petitioner No.2 Karansinha Mohansinha Thakur.

7. Petition of Petitioner No.1 Mangalsinha Ratnsinha Chauhan stands dismissed.

8. Rule is made partly absolute in above terms.

[SMT. I. K. JAIN, J.]

[T. V. NALAWADE, J.]

Dated:07/03/2015.

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