

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
APPELLATE SIDE, BENCH AT AURANGABAD

CRIMINAL WRIT PETITION NO. 942 OF 2015

Hanumant s/o. Narharrao Domkalwar, Aged
56 years, Occupation Service, Resident of
Ganeshpar Road, Parli-Vaijinath, District
Beed

PETITIONER

V E R S U S

- 1 The State of Maharashtra
- 2 Swati Pralhad Jagdand, Aged 38 Years,
Occupation Nil. Resident of Samtanagar,
Parali-Vaijinath, District Beed

RESPONDENTS

Mr. V.D. Salunke, Advocate for the Petitioner
Mr. M.M. Nerlikar, A.P.P. for Respondent No. 1 - State
Mr. Vishwajeet R. Jain, Advocate for Respondent No. 2

**CORAM : A.V. NIRGUDE &
V.K JADHAV, JJ.**

DATE : 30th June, 2016

PER COURT :

1. The petitioner practically is the only remaining accused in Crime No.105 of 2014 of Sonpeth Police Station, District Parbhani, alleging offence under Section 306 read with Section 34 of the Indian Penal Code and under Section 3 (1) (10) and 3 (2) (5) of the Atrocities Act.

2. Initially there were about 15 accused. The Police, after investigation, dropped the charge against 11 accused and sent the charge-sheet only against four accused. Out of four accused, petitioner is accused no. 1. Accused no.2 was one Janardhan. He sought quashing of the case against him and the complainant gave no objection for such quashing. Recently that order is passed by this Court in Writ Petition No. 1164 of 2015. The other two accused are absconding.

3. The offence against the petitioner is abetment of suicide of one Jogdand, the complainant's husband. On 4th August, 2014 Jogdand committed suicide. Before his death, there occurred a long drawn litigation between Jogdand and the petitioner. Both were working together in a School and they were earlier friends. They developed enmity. The petitioner made serious allegations against Jogdand, but in-vain. The petitioner therefore came to this Court and obtained direction to District Deputy Registrar, Co-operative initiating criminal case against Jogdand. Since the complaint was not lodged, petitioner himself lodged the complaint and obtained the order for investigation on 20th July, 2014. Soon thereafter, the incident of suicide took place.

4. The question is, whether the petitioner prima facie abetted Mr. Jogdand's suicide. The Investigation Officer collected the material in the form of suicide-note and diary maintained by the deceased. Several statements were recorded. It is not in dispute that the petitioner had made complaints against deceased Jogdand. Making complaint, in our view, would not amount to abetment to suicide if the accused commits suicide. Making complaints is a legitimate activity. If such accused commits

suicide, then it cannot be said that the complainant or police officer abetted his suicidal death. Accusations made against the petitioner thus were made unfounded and imaginary. No case is made out against him. Writ Petition is allowed in terms of prayer clause '**B**'.

(**V.K. JADHAV, J.)**

(**A.V. NIRGUDE, J.)**

srm/30/6/16