

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

CRIMINAL APPLICATION NO. 6620 OF 2015

Shaikh Bahuddin Sk. Gaffar and ors.

...Applicants

VERSUS

The State of Maharashtra & anr.

...Respondents

.....

Shri S.J.Salunke, advocate for applicants

Smt. A.V.Gondhalekar, A.P.P. for respondent no.1/State

Shri D.J.Choudhari, advocate for respondent no.2

.....

CORAM : A.V.NIRGUDE

AND

INDIRA K.JAIN, JJ.

DATED : 12th February, 2016

ORDER :

1] The applicants are named as accused in Crime No. 177 of 2015 registered at Majalgaon police station (Rural), District Beed on 11.11.2015. The complainant stated that on 2.11.2015 there occurred a fight between members of her family and the applicants/accused. She admitted that on 5.11.2015 the applicant no.1 made a complaint in writing to police and offence was registered under Section 307, etc. against complainant's father-in-law Shamrao

and others. Since the offence was registered, complainant admitted that her father-in-law Shamrao and others remained away from home and eluded arrest. On 11.11.2015 she learnt that her father-in-law Shamrao had committed suicide. She, therefore, alleges that applicant no.1 who is complainant in Crime No. 173 of 2015 of Majalgaon Rural police station abetted commission of suicide of Shamrao. On such complaint, surprisingly police registered offence.

2] We see no reason how could the police register offence on such complaint. The applicants were victims of Crime No. 173 of 2015 and since they sustained injuries they legitimately lodged complaint. The act on the part of applicant no.1 did not amount to abetment of any criminal offence. Therefore, Crime No. 177 of 2015 deserves to be set aside.

3] Application is allowed in terms of prayer clause 'B'.

[INDIRA K.JAIN, J.]

[A.V.NIRGUDE, J.]