

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 1602 OF 2018

- [1] Suresh S/o Machindra Bhapkar, **APPLICANTS**
Age 38 Years, Occ. Agriculture,
R/o. Kharatwadi, Post Pimpalgaonpisa,
Taluka Shrigonda, Dist. Ahmednagar
- [2] Pandurang S/o Raghunath Ithape,
Age 66 Years, Occ. Agriculture,
R/o. Erondoli, Taluka Shrigonda,
District Ahmednagar
- [3] Bhagwan S/o Raghunath Ithape,
Age 64 Years, Occ. Agriculture,
R/o. Erondoli, Taluka Shrigonda,
District Ahmednagar

V E R S U S

- [1] The State of Maharashtra **RESPONDENTS**
- [2] The Police Station Incharge
Belwandi Police Station, Taluka
Shrigonda, District Ahmednagar
- [3] Arjun S/o Rangnath Bhapkar,
Age 50 years, Occ. Agriculture,
R/o. Kharatwadi, Post.Pimpalgaonpisa,
Tq. Shrigonda, Dist. Ahmednagar

Mr. N.K. Kakade, Advocate for the applicants
Mr. R.V. Dasalkar, APP for respondent Nos.1 &
2/State
Mr. V.P. Latange, Advocate for respondent No.3

**CORAM : T.V. NALAWADE AND
SMT.VIBHA KANKANWADI, JJ.**

DATE : 3rd SEPTEMBER, 2018

ORAL JUDGMENT [PER: T.V. NALAWADE, J.] :

Rule. Rule made returnable forthwith. By consent of both the sides, this application is taken up for final hearing. Heard both the sides.

2. Present proceeding is filed under Section 482 of Cr.P.C. for the relief of quashing of F.I.R. No.I-83/2018 registered with Belwandi Police Station, Taluka Shrigonda, District Ahmednagar. The case is registered for the offence punishable under Section 306 read with Section 34 of the Indian Penal Code on the basis of report given by respondent No.3-Arjun Bhapkar.

3. In the F.I.R., some dispute which the deceased Bapu Bhapkar was having with Bhagwan Ithape and Pandurang Ithape is mentioned. It is contended that the land dispute was decided in favour of deceased, but the present applicants had continued to harass the deceased. One incident had taken place on 18.04.2018, in which Pandurang Ithape and Bhagwan Ithape had picked-up quarrel with deceased and

deceased disclosed about this incident first to the first informant-Arjun Bhapkar. The deceased had informed that he had applied for taking connection of electricity for his well and quotation was also filed. He had disclosed that, the poles of electric supply were required to be fixed in the field of Ithape but they were taking objection to that, and so, he was feeling harassed. He had also disclosed that applicant No.1 Suresh Bhapkar was instigating Ithape to act against the deceased. The allegations are made that in incident dated 19.04.2018, when deceased had gone to village Tadegaon to attend marriage, applicant No.1-Suresh had picked up quarrel with the deceased at the marriage place. This incident was also not witnessed by the first informant.

4. The deceased has not left behind the suicide-note. There will be evidence of first informant in the aforesaid form, which is of hearsay nature. In respect of aforesaid specific incident, there would be evidence of other witnesses. Even if that evidence is considered as it is, it cannot be said that the applicants had intentionally done anything which can be called as abetment of suicide. If deceased wanted to take supply of electricity, there was ample power of Electricity Company to fix poles in the field of applicant Nos.2 and 3 and they could not have prevented Electricity Company from taking such step.

No record of filing quotation or taking objection of applicant Nos.2 and 3 is there in police papers. In view of such nature of evidence, this Court hold that it will be unnecessary harassment to the applicants if they were asked to face the trial for the aforesaid offence. In the result, we proceed to pass the following order :-

O R D E R

- [1] Application is allowed.
- [2] Relief is granted to the applicants in terms of prayer clause "B".
- [3] Rule made absolute in above terms.

[SMT.VIBHA KANKANWADI,J.]

[T.V. NALAWADE, J.]