

**IN THE HIGH COURT AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD**

CRIMINAL APPLICATION NO. 25 OF 2018

1. Rameshwar Dadasaheb Bawle,
Age 60 years, Occu. Pensioner,
2. Vaishali w/o. Shivprasad Kagde,
Age 28 years, Occu. Household and
Medical, Both R/o. Sambhaji Nagar,
Belapeer, Tq. and Dist. Beed.
At present residing at Pune.

....Applicants.

Versus

1. The State of Maharashtra
Through Police Station Shivaji Nagar
Beed, Tq. and Dist. Beed.
2. Radhika w/o. Shankar Kagde,
Age 55 years, Occu. Household,
R/o. Chattrapati Colony, D.P. Road,
Beed, Tq. and Dist. Beed.

....Respondents.

Mrs. Vaishali A. Shinde (More), Advocate for applicants.

Mr. M.M. Nerlikar, APP for respondent No. 1/State.

Mr. S.J. Salunke, Advocate for respondent No. 2.

**CORAM : T.V. NALAWADE AND
K.L. WADANE, JJ.**

DATED : JUNE 25, 2018.

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

- 1) Rule. Rule made returnable forthwith. By consent, heard
both the sides for final disposal.
- 2) The proceeding is filed under section 482 of Criminal

Procedure Code (hereinafter referred to as 'Cr.P.C.' for short) for the relief of quashing of the F.I.R. No. 717/2017 registered with Shivaji Nagar Police Station, Beed. The crime is registered for the offence punishable under section 306 of Indian Penal Code (hereinafter referred to as 'IPC' for short) on the basis of report given by present respondent No. 2 Radhika.

3) Deceased Shankar was the husband of Radhika. Shivprasad is son of this couple. Applicant No. 2 Vaishali was given in marriage to Shivprasad on 15.2.2013. After some time, there was dispute and so, from about 10 months Vaishali was living separate from her husband.

4) In July 2017, on the basis of F.I.R. given by Vaishali, criminal case was filed against deceased, Radhika and their son Shivprasad for the offence punishable under section 498-A of IPC. Then there was talk for compromise. It is contention of Radhika that Vaishali and her parents demanded Rs.21 lakh for settling the dispute and for giving the divorce. It is contended that there was dispute over giving of money and as the deceased could not give money, on 24.10.2017 the present applicant No. 1 Rameshwar, father of Vaishali came in front of the house of deceased and he picked up quarrel. Allegations are made that during quarrel, he gave

threats that he would teach them lesson. The contention is made that due to this threat, Shankar became disturbed and he committed suicide by hanging himself on 25.10.2017 at about 11.00 a.m. The report was given on 25.10.2017 and the crime was registered against both the applicants.

5) The contents of the F.I.R. as they are show that only applicant No. 1 Rameshwar had gone to the residential place of the deceased and there are statements of witnesses of the aforesaid nature. The learned counsel for respondent No. 2 submitted that deceased was harassed by Vaishali also as the crime was registered on the basis of her report and so, no relief can be granted to applicant No. 2 Vaishali. The learned counsel for respondents placed reliance on some observations of the Apex Court made in the case reported as **2011 ALL MR (Cri) 1994 (S.C.) [Sushil Suri Vs. C.B.I. and Anr.]**. The Apex Court has observed that inherent powers could not be used by the High Court normally when the facts are incomplete and hazy and the investigation is still in progress. There cannot be dispute over this proposition. In the present matter, the F.I.R. was given long back, no stay was granted by this Court and papers of investigation do not show any material on the basis of which *prima facie* case can be made out against applicant No. 2 Vaishali that she had abated the suicide. This Court holds that relief

needs to be granted in favour of applicant No. 2 Vaishali. In the result, application of applicant No. 2 Vaishali w/o. Shivprasad Kagde is allowed. Relief is granted to her in terms of prayer clause 'B'. Application of applicant No. 1 Rameshwar Dadasaheb Bawle stands dismissed. Rule is made absolute in those terms.

[K.L. WADANE, J.]

[T.V. NALAWADE, J.]

ssc/