

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

CRIMINAL APPLICATION NO. 752 OF 2015

1. Ratilal s/o. Dhondiram Kaswa,
Age 74 years, Occu. Pensioner,
R/o. Vinayaknagar, Pune Road,
Ahmednagar.
2. Dashrath s/o. Sakharam Khose,
Age 58 years, Occu. Service,
R/o. 47 C, Premdnagar Savedi
Ahmednagar.

....Applicants.

Versus

1. The State of Maharashtra
(Through Pathardi Police
Station, Ahmednagar)
2. Gorakhash Pandurang Kshirsagar,
Age 35 years, Occu.
R/o. Susare, Taluka Pathardi,
District Ahmednagar.

....Respondents.

Mr. N.S. Ghanekar, Advocate for applicants.

Mr. RV. Dasalkar, APP for respondent No. 1/State.

Mr. Sadanand S. Deve, Advocate for respondent No. 2.

**CORAM : T.V. NALAWADE AND
K.L. WADANE, JJ.
DATED : 30/07/2018**

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

1) The proceeding is filed under section 482 of Criminal Procedure Code for relief of quashing of F.I.R. No. 386/2014 registered with Pathardi Police Station for offences punishable under

sections 306, 34 etc. of Indian Penal Code. Both the sides are heard.

2) The papers of investigation were made available. The F.I.R. was given by the son of deceased Pandurang Kshirsagar. The deceased had some dispute in respect of the land on which the educational institution of the present applicants was having building. The submissions made in the present proceeding show that civil dispute was subsequently settled. The learned counsel for respondent, first informant submitted that on telephone he received information from the first informant of aforesaid nature.

3) The record shows that on 19.12.2014 Pandurang committed suicide by hanging himself at tree in the vicinity of school. He left behind one chit which is treated as suicide note. The report was given on 19.12.2014 on the basis of said chit. The chit shows that he mentioned the dispute which he had with the school. He also mentioned that his son was indebted and the debt was of Rs.five lakh. He mentioned that he was not able to bear these things and so, he was committing suicide.

4) Even if the contents of the suicide note are considered as they are, it cannot be said that present applicants had abated the suicide as defined in section 107 of IPC. This Court holds that

nothing can be achieved if the case is filed against the present applicants in aforesaid crime and they are made to face the trial. In the result, the application is allowed. Relief is granted to the applicants in terms of prayer clause 'B'. Rule is made absolute in those terms.

[K.L. WADANE, J.]

[T.V. NALAWADE, J.]

ssc/