

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

Criminal Application No.1279 of 2014

* Rameshwar Narayanrao Dhankikar,
Age 54 years,
Occupation : Business & Agri.
R/o Bhagyanagar, Nanded,
Taluka and District Nanded. .. **Applicant.**

Versus

- 1) The State of Maharashtra,
Through Police Inspector,
Police Station, Bhokar,
Taluka Bhokar, Dist Nanded.
- 2) Pandurang Bapurao Wakadkar,
Age 44 years,
Occupation: Agriculture,
R/o Wakad, Taluka Bhokar,
District Nanded. .. **Respondents.**

Shri. A.V. Patil, Advocate, holding for Arvind N. Gaddime,
Advocate, for applicant.

Mrs. V.S. Choudhary, Additional Public Prosecutor, for
respondent No.1.

Shri. S.S. Patil and Shri. S.V. Suryawanshi, Advocates, for
respondent No.2.

**Coram: T.V. NALAWADE &
K.L. WADANE, JJ.**

Date: 02 JULY 2018

JUDGMENT (Per T.V. Nalawade, J.) :

1) The application is filed under section 482 of the Code of Criminal Procedure for the relief of quashing of the charge-sheet No.4/2014 filed in Crime No.150/2013 which was registered with Bhokar Police Station, District Nanded for offence punishable under section 306 read with 34 of the Indian Penal Code. Both the sides are heard.

2) Crime is registered on the basis of report given by one Pandurang Wakadkar on 21-9-2013. Deceased Bhagyashri was aged 13 years and Pandurang was her maternal uncle. As the deceased was orphan, the first informant was taking care of the deceased. The deceased was admitted in one Ashram School at village Sitakhandi, established for tribal students and she was studying in 8th Standard.

3) 15 days prior to the date of the F.I.R., Bhagyashri had visited the house of the first informant and she had informed that she had quarrel on petty count

with the girls of the hostel and after that present applicant Rameshwar, who was Director of the institution which was running schools and hostels, and others like headmaster, class-teacher and rector of the hostel had scolded her, they had given beating to her and they had expressed that the deceased would be expelled from the school. It is the contention of Pandurang that he had some how convinced Bhagyashri and Bhagyashri had returned to the school.

4) On 19-9-2013 Bhagyashri was expected to appear for school examination and she attended that paper. After that she was missing. This news was given to Pandurang. Then on 21-9-2013 dead body of Bhagyashri was found in a well from village Wakad. On the same day, Pandurang gave report against present applicant and the aforesaid other persons from the school. He blamed the present applicant and others for the suicide committed by Bhagyashri.

5) It is not disputed that the death took place due to drowning and the deceased had jumped into the well. This Court had granted interim relief in favour of the

present applicant and due to that charge-sheet was filed against aforesaid other persons. The submissions made show that the other accused are acquitted by the trial Court after adducing evidence by the prosecution.

6) There are many circumstances in the present matter. There was delay caused in making allegations against the present applicant. Even no missing report was given by the first informant if the deceased was missing from 19-9-2013. There are statements of some girls, colleagues of the deceased but they are to the effect that the deceased had disclosed to them about the aforesaid incident mentioned in the F.I.R.

7) Even if it is presumed that the deceased had quarrel with some students of the hostel and due to that she was scolded by the present applicant and others, inference is not possible on the basis of those allegations that there was intention of the present applicant as mentioned in section 107 of the Indian Penal Code. There may be many reasons for girl to take such drastic steps. Papers of investigation do not show that the deceased had

expressed to her colleagues that only due to the said incident she had taken decision to commit suicide. She had taken such step only after appearing for the examination.

8) The trial court has acquitted other accused of the same crime and allegations against them were similar in nature. In view of these circumstances this Court holds that nothing can be achieved by allowing the prosecution to go on against the present applicant. Learned counsel for the applicant placed reliance on observations made by this Court and the Supreme Court in the cases reported as **(1) 2013(1) Bom.C.R. (Cri.) 134 (Girish Sanjay Bole v. State of Maharashtra)**; and, **(2) (2013) 10 SCC 581 (Vinod Raghuvanshi v. Ajay Arora)**. Though the facts and circumstances of each and every case are always different, to allow the prosecution to go on there needs to be some material to make out a case on the basis of which at least charge can be framed. This Court has already observed that it is not possible to draw inference that there was abatement of suicide from the present applicant. In the result, following order.

9) The application is allowed. Relief is granted in terms of prayer clause (B). Rule made absolute in those terms.

Sd/-
(K.L. WADANE, J.)

Sd/-
(T.V. NALAWADE, J.)

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