

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

CRIMINAL APPLICATION NO. 4615 OF 2015

- 1] Amol Ashok Kamble,
Age-36 years, Occupation-Service,
- 2] Ashok Bhaguji Kamble,
Age-60 years, Occupation-Retired Pensioner,
- 3] Sau. Manisha Amol Kamble,
Age-30 years, Occupation-Household,
- 4] Sau. Shobha Ashok Kamble,
Age-55 years, Occupation-Household,
- 5] Amit Ashok Kamble,
Age-30 years, Occupation-Service,

All R/o. Raigad Colony,
Canal Road, Beed, Dist. Beed.

... APPLICANTS

VERSUS

- 1] The State of Maharashtra,
Through Police Station Shivaji Nagar,
Beed, Dist. Beed.
- 2] Smt. Surekha Nandkumar Chavan,
Age-43 years, Occupation-Service,
R/o. Ganesh Nagar, Old S.P. Office Road,
Beed. Dist. Beed.

... RESPONDENTS

(Respondent No.2 is original informant)

WITH**CRIMINAL APPLICATION NO. 1590 OF 2014**

Sau. Shakuntala Anil Sutar,
Age-45 years, Occupation-Service,
R/o. Balaghat Shikshak Colony,
Canal Road, Beed, Dist. Beed.

... **APPLICANT**

VERSUS

1] The State of Maharashtra,
Through Police Station Shivaji Nagar,
Beed, Dist. Beed.

2] Smt. Surekha Nandkumar Chavan,
Age-43 years, Occupation-Service,
R/o. Ganesh Nagar, Old S.P. Office Road,
Beed. Dist. Beed.

... **RESPONDENTS**

(Respondent No.2 is original informant)

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Mr. Sudarshan J. Salunke, Advocate for Applicants in both matters.
Mr. S. J. Salgare, APP for Respondent No.1 / State in both matters.
Mr. Sarang P. Joshi, Advocate for Respondent No.2 in both matters.

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

DATE : 09th October, 2018.

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

. Both the proceedings are filed under Section 482 of the

Code of Criminal Procedure for relief of quashing of criminal case bearing R.C.C. No.70 of 2014, pending in the Court of learned Chief Judicial Magistrate, Beed. The case is filed for the offences punishable under Sections 498-A, 304-B and 306 read with 34 of the Indian Penal Code.

2 Both the sides are heard.

3 The crime was registered on the basis of report given by the mother of deceased. Deceased, Jyoti was given in marriage to Anand Ashok Kamble in the year 2009. Deceased was working on the post of *Gramsevika* and Anand was also working in *Panchayat Samiti* as a clerk. She committed suicide in matrimonial house by hanging herself on 21st September, 2013. The husband supplied information about the incident to the first informant and others. Allegations are made by mother of the deceased that the Applicants from first proceeding, who are brothers of Anand, father of Anand, wife of brother of Anand, mother of Anand and cousin sister of father of Anand that they and others including the husband were giving ill-treatment to the deceased. Some incidents are mentioned, in which

the deceased had disclosed about the ill-treatment. She had disclosed against Shakuntala Sutar, Applicant of Criminal Application No.1590 of 2014 that she was also harassing her. She had disclosed that the husband was asking her to bring Rs.5,00,000/- from her parents as he wanted to purchase a house at the place of his service.

4 The last meeting of the mother with deceased took place on 20th September, 2013. On that day, deceased had disclosed that the office had not given her salary for two months and the husband had not provided food to her for about two days. She committed suicide on 21st September, 2013.

5 Papers of investigation show that the deceased left behind suicide note. She did not blame even the husband for suicide. She requested her husband to marry with her sister, Pallavi. Record is produced to show that there was some problem in the office of the deceased. Some record like muster roll was missing and show cause notices were given to her. It was submitted that she had also produced a forged certificate to show that she had passed MS-CIT. It was certificate of her sister, but she had shown her own name on the

certificate. She was taking leave time and again and in the last notice, it was expressed that domestic enquiry was possible as against her. She had also requested for her transfer to see that she and her husband were posted at the same place.

6 Suicide note was sent to handwriting expert alongwith leave applications of the deceased. The expert has given opinion that the handwriting appearing on the chits matches with the handwriting appearing on the leave applications. Thus, in suicide note, she has not blamed any of the Applicants. There is probability that she committed suicide due to some problem, which she was facing at the place of work. There is not even a whisper about demand of money made by her husband from her parents. In view of these circumstances, this Court holds that it will be abuse of process of law, if the Applicants are made to face the trial for the aforesaid offences. In the result, the following order is passed:

ORDER

- I. Both the applications are allowed.
- II. Relief is granted in terms of prayer clauses (C), (D) and (E).

- III. The case as against the husband is to be tried expeditiously.
- IV. Rule is made absolute in those terms in both the proceedings.

[SMT. VIBHA KANKANWADI, J.]

[T. V. NALAWADE, J.]

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