

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

CRIMINAL APPLICATION NO. 766 OF 2018

1. Kachru S/o Laxman Dabhade,
Age 52 years, Occ. Service,
R/o Panchavati Housing Society,
Satara Parisar, Near Ujwalatai
Pawar School, Aurangabad,
Tal. & Dist. Aurangabad.
2. Shilabai W/o Kachru Dabhade,
Age 47 years, Occu. Household,
R/o as above.
3. Prakash S/o Kachru Dabhade,
Age 30 years, Occu. Driver,
R/o as above.
4. Akash S/o Kachru Dabhade,
Age 28 years, Occu. Nil,
R/o as above.
5. Ashwini W/o Sandeep Ambhore,
Age 26 years, Occu. Household,
R/o Vijaylaxmi Apartment,
Flat No.5, Satara Parisar,
Aurangabad, Dist. Aurangabad.

... APPLICANTS
(Orig. Accused Nos.1 to 5)

VERSUS

1. The State of Maharashtra,
Through Police Inspector,
Police Station, Satara,
Aurangabad, Tal. & Dist. Aurangabad.
2. Pradeep S/o. Jijabhau Ambhore,
Age 39 years, Occ. Business,

R/o House No.4-9-1253,
Baudha Nagar, Jawahar Colony,
Aurangabad, Dist. Aurangabad.

... **RESPONDENTS**

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Mr. N. T. Tribhuwan, Advocate for Applicants.
Mr. R. V. Dasalkar, APP for Respondent No.1 / State.
Mr. A. S. Bayas, Advocate for Respondent No.2.

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

DATE : 08th August, 2018.

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

. Rule. Rule made returnable forthwith. By consent, heard both the sides for final disposal.

2 The proceeding is filed under Section 482 of the Code of Criminal Procedure for relief of quashing of FIR No.352 of 2017, registered with Satara Police Station, District Aurangabad, for the offence punishable under Section 306 read with 34 of the Indian Penal Code.

3 Both the sides are heard.

4 Papers of investigation were made available.

5 The crime is registered on the basis of report given by
one Pradeep Ambhore. Deceased Sandeep Ambhore was real
brother of the first informant. Sandeep committed suicide by hanging
himself in his house on 23rd May, 2017. In the FIR, allegations are
made against the Applicants that just before the incident, they had
harassed Sandeep, they had insulted Sandeep, they had beaten
Sandeep and due to that no alternative was left before Sandeep then
to commit suicide. Some incidents are mentioned in which the
Applicants were involved.

6 Applicant No.5 is the widow of deceased Sandeep.
Applicant No.1 is the father of Applicant No.5. Applicant No.2 is the
mother of Applicant No.5 and Applicants Nos.3 and 4 are real
brothers of Applicant No.5.

7 It is contended that due to harassment, deceased
Sandeep had made disclosure that he was fed up and he wanted to
put an end his life. On 22nd May, 2017, Sandeep had visited the
house of the parents of Applicant No.5 to see Applicant No.5 and his

children. Allegations are made that in the house of the parents of Applicant No.5, Sandeep was assaulted and insulted. It is contended that he returned to home in dejected condition and he expressed that he wanted to commit suicide. Allegations are made that after some time Applicant No.2 mother of Applicant No.5 and Applicant No.3 Prakash, a brother of Applicant No.5 came to the house of Sandeep and on the night time they picked up quarrel with Sandeep and also with mother of Sandeep and they assaulted both Sandeep and his mother. Allegations are made that Sandeep first went to police on that night, gave report and after returning to home from police station on 23rd May, 2017 at about 12:45 pm, he first made phone call to his friend Macchindra Mali and informed that he was taking such step and all the Applicants need to be held responsible for such step. It is contended that he then contacted Applicant No.5 on mobile phone and informed that he was taking such step but he had made arrangement of money for his issues.

8 Submissions made and papers of investigation show that there is no record of telephone conversation between deceased on one hand and Macchindra Mali on other. Similarly, no record is

collected to show that Applicant No.5 had talked with Sandeep just before the incident in question. However, there is record like N.C. recorded under Section 155 of the Code of Criminal Procedure and it shows that Sandeep had informed to police that on the night between 22nd May, 2017 and 23rd May, 2017 at about 00:10 hours, brother-in-law of Sandeep and his mother-in-law had been to his house, they had picked up quarrel and they had assaulted not only Sandeep, but his mother also. They were Applicant Nos.2 and 3. After that, Sandeep committed suicide. Though there are allegations as against the remaining Applicants, there is a record in the form of last disclosure made by Sandeep of aforesaid nature. In view of these circumstance, this Court holds that relief can be granted to Applicant Nos.1, 4 and 5, but not to Applicant Nos.2 and 3. The learned counsel for Applicant Nos.2 and 3 submitted that he is withdrawing their application. In the result, the following order is passed:

ORDER

- I. The application of Applicant Nos.2 and 3 (Shilabai and Prakash) is disposed of as withdrawn. Rule is discharged in respect of Applicant Nos.2 and 3.

- II. The application of Applicant Nos.1, 4 and 5 (Kachru, Akash and Ashwini) is allowed. Relief is granted to them in terms of prayer clause (B).
- III. Rule is made absolute in those terms in respect of Applicant Nos.1, 4 and 5.

[K. L. WADANE, J.]

[T. V. NALAWADE, J.]

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