

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD

**CRIMINAL APPLICATION NO. 905 OF 2018**

[1] Deepak Jagannath Daware, Age **APPLICANTS**  
56 Years, Occupation Services,

[2] Tejal Deepak Daware, Age 26 Yrs,  
Occ. Service,

Both resident of Sarthak Bungalow,  
Dulmohar Road, Behind Kohinoor  
Mangal Karyalay, Ahmednagar, Dist.  
Ahmednagar

**V E R S U S**

[1] The State of Maharashtra, Through **RESPONDENTS**  
Police Inspector, Topkhana Police  
Station, Ahmednagar, District  
Ahmednagar

[2] Sunita Asaram Khade, Age 46 Yrs,  
Occ. Household, R/o Plot No.2,  
Lekha Nagar, Near Mauli Mandir,  
Pipe Line Road, Savedi, Ahmednagar,  
District Ahmednagar

Mr. P.B. Shirsath, Advocate for the applicants  
Mr.A.A. Jagatkar, A.P.P. for respondent No.1-State  
Mr. N.B. Narwade, Advocate for respondent No.2

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

**DATE : 10<sup>th</sup> SEPTEMBER, 2018**

**ORAL JUDGMENT [PER : T.V. NALWADE, J.] :**

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

2. The proceeding is filed for relief of quashing of F.I.R. No.I-88/2018, registered with Tofkhana Police Station, Ahmadnagar for offence punishable under Section 306 read with Section 34 of the Indian Penal Code. The report was given by respondent No.2, the mother of the deceased.

3. Applicant No.2-Tejal was the first wife of deceased Mahesh. Mahesh and Tejal had a love affair and they had married without taking consent of their parents on 20.02.2012. It is the case of prosecution that applicant No.1-Deepak, the father of Tejal, was not happy with this marriage and he virtually compelled applicant No.2-Tejal to take divorce from Mahesh. The divorce by mutual consent was obtained on 26.10.2017.

4. After the aforesaid divorce, Manoj married with other girl and Tejal also married with other person. Allegation is made by mother of Mahesh that as daughter of Mahesh was with Tejal, Tejal was blackmailing him and Tejal had extracted Rs.50,000/- from Mahesh to allow him to see his daughter.

Allegations are made that as the applicants were not allowing Mahesh to see his daughter, he was under stress.

5. Mahesh left home on 20.01.2018, at about 08.00 p.m. in Swift Car. He did not return to home on that day. On 21.01.2018 somebody informed that the dead-body of Mahesh was found at the place and so first informant and others went there. Mahesh had committed suicide by hanging himself. When the dead-body was found on 21.01.2018, F.I.R. came to be given on 13.02.2018. In F.I.R. allegations are made that deceased has left behind suicide-note and applicants are responsible for his suicide.

6. This Court has carefully gone through the copies of two suicide-notes produced on record and also copy of the third suicide-note available in the papers of investigation. In all three suicide-notes, he has not put a blame on the applicants for his suicide, though he blamed applicant No.1 for the divorce with Tejal by mutual consent. In suicide-note, he expressed that he wanted to do something for his daughter, but he could not do so. In suicide-note, he requested his parents to put an end to the matter and call his first wife and daughter to attend the last rites of the dead-body. In all the three suicide-notes he had blamed himself and he had written that he was

committing suicide as he had no desire left to live.

7. In suicide-note, there is no mention that either applicant No.1 or applicant No.2 were blackmailing the deceased and they were extracting money for allowing the deceased to see his daughter. Thus, the contention made by the mother and other relatives of deceased that deceased had given some amount and applicants were harassing him is not acceptable. Applicant No.2 had married with other man and there was no reason for her to keep contact with Mahesh. He has also blamed himself for everything. In view of these circumstances, this Court holds that it will be an abuse of process of law if the case is filed against the applicants and they are required to face the trial. In the result, the following order :-

#### **O R D E R**

[1] Application is allowed in terms of prayer clause [B].

[2] Rule made absolute in above terms.

**[SMT.VIBHA KANKANWADI, J.]**

**[T.V. NALAWADE, J.]**