

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 1181 OF 2018

- [1] Deoram S/op Pandit Mali, Age **APPLICANTS**
43 Years, Occupation Business,
- [2] Dnyaneshwar S/o Punam Marathe,
Age 53 Years, Occupation Service,
- [3] Shantaram S/o Dhondur Choudhari,
Age 48 Years, Occupation Service,
- [4] Ishwar S/o Khandu Marathe,
Age 41 Years, Occupation Business,
- [5] Pappu S/o Babulal Marathe,
Age 34 Years, Occupation Business,
- [6] Dattatraya @ Daddu S/o Nagindas
Patil, Age 36 Yrs, Occ. Business,
- [7] Aba S/o Dagadu Pawar, Age 41 Yrs,
Occupation Service,

All R/o. Village Warkhedi,
Taluka and District Dhule

V E R S U S

- [1] The State of Maharashtra, Through **RESPONDENTS**
Police Inspector of West Deopur
Police Station, Dhule, District
Dhule
- [2] Kum. Rajashri D/o Sanjay Wagh,
Aged 19 Years, Occ. Education,
R/o. 57, Tuljabhavani Nagar,
Deopur Dhule, Taluka and District
Dhule

Mr. C.C. Deshpande, Advocate for the applicants
Mr. S.J. Salgare, Advocate for respondent No.1
Mr. Amarjeet V. Patil, Advocate appointed for
respondent No.2

**CORAM : T.V. NALAWADE AND
SMT.VIBHA KANKANWADI,JJ.
DATE : 5th SEPTEMBER, 2018**

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

Rule. Rule made returnable forthwith. By consent of both the sides, this application is taken up for final disposal. Heard both the sides.

2. The proceeding is filed under Section 482 of Cr.P.C. for the relief of quashing of Crime No.13/2018, registered with West Deopur Police Station, Dhule, District Dhule for the offence punishable under Section 306 read with Section 34 of Indian Penal Code. The crime is registered on the basis of report given by respondent No.2. As she did not turn up after service of notice, one counsel was appointed as *amicus curie* to make submissions on her behalf.

3. Respondent No.2 has made allegations against the present applicants that due to their harassment, her father, who was working as Gram Sevak in village Warkhedi Gram Panchayat, Taluka and District Dhule, committed suicide on 15.01.2018 by hanging himself in the toilet block in office of Village Panchayat Gondur, Taluka and District Dhule. It appears that the

deceased has left behind a suicide-note. This Court has carefully gone through the contents of suicide-note. In the suicide-note, the deceased has mentioned the names of present applicants and he has mentioned that he could not do their work as he had no sufficient time for writing. He has written that special squad was sent by Commissioner of Dhule Corporation on 10.01.2018 and he was directed to hand over the record to that squad, and after that, he could do nothing. At the end he wrote that he was committing suicide due to pressure of the official duty. The papers of investigation show that the deceased had handed over the record as mentioned in the suicide-note. The staff did not notice that deceased was under pressure, but on the same day, he committed suicide. As per the contentions made by the present respondent-first informant, it can be said that the applicants were in touch with the deceased and they had some work with the deceased. What was the transaction between them is not known. In suicide-note also, the deceased did not put blame on applicants. Thus, it can be said that there was no nexus between suicide of the deceased and any act of the present applicants. It will be abuse of process of law if they are asked to face the trial for the aforesaid offence on the basis of contentions of the first informant and the contents of suicide-note.

4. In the result, application is allowed in terms of prayer clause "B". Rule made absolute in those terms.

[SMT.VIBHA KANKANWADI,J.]

[T.V. NALAWADE, J.]

SRM/5/9/18