

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

CRIMINAL APPLICATION NO. 1611 OF 2018

- 1) Bhavlal Devram Bhoi,
Age: 50 years, Occ: Labour
- 2) Lahu Bhavlal Bhoi
Age: 25 years, Occ: Labour
- 3) Aakosh Bhavlal Bhoi,
Age: 28 years, Occ: Labour.

Applicant 1 to 3 R/o: Post Kurha,
Tal- Bhusawal, District - Jalgaon.

... APPLICANTS

VERSUS

- 1) State of Maharashtra,
PI Taluka Police Station,
Tal Bhusawal, District Jalgaon.
- 2) Mr. Krushna Shantaram Shinde,
Residing at Post Kurha,
Tal- Bhusawal, Dist- Jalgaon.

... RESPONDENTS

(Respondent No.2 is
Original Complainant)

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Mr. Girish Nagori, Advocate for Applicants.
Mrs. D. S. Jape, APP for Respondent No.1 / State.
Mr. A. J. Patil, Advocate for Respondent No.2.

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

DATE : 04th October, 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.10 of 2018, registered with Taluka Police Station, Taluka Bhusawal, District Jalgaon, for the offences punishable under Sections 306, 323, 504, 506 read with 34 of the Indian Penal Code.

3 The crime is registered on the basis of report given by Respondent No.2, Krushna Shinde dated 15th February, 2018. He has made allegations that on that day at about 09:00 am to 10:00 am, when he and his deceased brother Dilip were present in the welding shop, Applicants came there and they started abusing Dilip. It is his contention that when he made inquiry about their grievance, they informed that they had given Rs.3,000/- to Dilip for welding work, but the work was not done by him. In his presence all of them assaulted Dilip. It is his contention that he gave Rs.3,000/- to them and then they left the place. Deceased left home at 11:00 am and

when attempt was made to contact him on mobile, he did not reply. When the first informant went to field at 01:00 pm, he noticed that the motorcycle of Dilip was present there. Then he noticed that Dilip was lying there and froth was coming from his mouth. A bottle of poison was lying by his side. He was shifted to dispensary, but doctor declared that he was already dead. Due to aforesaid incident of quarrel, report was given against the present Applicants by the brother of deceased.

4 The allegations as they are cannot show that there was any intention of the Applicants to insult or to compel the deceased to commit suicide. Admittedly, the deceased was at fault and he had not done the work given to him and when money was also given as advance to him. If the Applicants were demanding money, which they had given to the deceased as the work was not done, it cannot be said that they were wrong. The submissions made and the record do not show that any injury was found on the person of the deceased. Thus, there is nothing to show that the deceased was assaulted by the Applicants. Even if the allegations made are accepted as they are, inference of abetment of suicide is not possible. 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. The application is allowed.
- II. Relief is granted in terms of prayer clause (A).
- III. Rule is made absolute in those terms.

[SMT. VIBHA KANKANWADI, J.]

[T. V. NALAWADE, J.]

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