

**IN THE HIGH COURT AT BOMBAY  
APPELLATE SIDE, BENCH AT AURANGABAD**

**CRIMINAL WRIT PETITION NO. 784 OF 2018**

Sou. Asha Suresh Katariya  
Age: 62 yrs. Occu: Pensioner/Household  
R/o. Mukund Apartment  
Flat No. 11, Swami Vivekanand Chowk  
Ahmednagar, Dist. Ahmednagar

**....Petitioner**

**Versus**

1. The State of Maharashtra  
Through Police Station Officer  
Kotwali Police Station  
Ahmednagar, Dist. Ahmednagar
2. Ku. Amruta Dyandeo Pawar  
Age: 24 yrs. Occu:  
R/o. Om Bhui Kata  
Nagar Pune Road,  
Ahmednagar, Dist. Ahmednagar

**....Respondents.**

**WITH  
CRIMINAL WRIT PETITION NO. 785 OF 2018**

Vinayak Khaserao Ransing  
Age: 66 yrs., Occu: Business,  
R/o. Malhar Chowk,  
Station Road Ahmednagar.

**....Petitioner**

**Versus**

1. The State of Maharashtra  
Through Police Station Officer  
Kotwali Police Station  
Ahmednagar, Dist. Ahmednagar
2. Ku. Amruta Dyandeo Pawar  
Age: 24 yrs. Occu:  
R/o. Om Bhui Kata  
Nagar Pune Road,  
Ahmednagar, Dist. Ahmednagar

**....Respondents.**

Mr. A.S. More, Advocate for petitioner.

Mr. A.S. Shinde, APP for respondent No. 1/State.

Mr. H.V. Tungar, Advocate for respondent No.2.

**CORAM :T.V. NALAWADE AND  
SMT. VIBHA KANKANWADI, JJ.**  
**DATED : 19/09/2018.**

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

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

2) Both the petitions are filed for relief of quashing of F.I.R. No. 149/2018 registered with Kotwali Police Station, Ahmednagar for offences punishable under sections 306, 504, 506 r/w. 34 of Indian Penal code. The crime is registered on the basis of report given by respondent No. 2 Kum. Amruta. Deceased Dnyandev Pawar was the father of Amruta and he was a businessman. He committed suicide on 31.3.2018 in his house by using revolver. First report was registered as A.D.No. 36/2018 and then F.I.R. came to be given on 15.4.2018.

3) In the F.I.R., Amruta has contended that the deceased had taken loan not only from Banks, but also from some financial institutions and from private persons. Present petitioners viz.

Vinayak Ransing and Smt. Asha Kataria had also given loan to the deceased. Amruta is not aware as to how much amount was taken by deceased from these two persons. It is her contention that her father used to tell her that he was heavily indebted and the money lenders were harassing him for repayment of loan. For repayment of loan taken from institutions, some property was also sold, but still there was huge debt on the head of deceased. A decision was taken to sell other immovable properties also, but before that the deceased committed suicide.

4) Amruta has made allegations against Kataria that per month she was collecting Rs. two lakh from deceased for repayment of loan. Against petitioner Vinayak Ransing no specific allegation is made. But, it is contended that her father used to give some amount to Vinayak. It is her contention that the amount of around Rs. 75 to 80 lakh was taken from private persons as loan by her father and the amount due to the banks and financial institutions was around Rs. 4.5 Crore. She has made allegations that due to harassment of the money lenders, the deceased committed suicide.

5) The suicide note was made available for the perusal of this Court and it shows that the deceased admitted that he was heavily indebted and even after taking some steps like selling the

property, the burden of the loan was still there. In the suicide note, he contended that he had repaid the loan taken from money lenders like the present petitioners and nothing was due to them from him. He had not blamed anybody for committing suicide and he contended that if in future the money lenders like petitioners make demand of any money in respect of the loan, they should be held responsible for his suicide.

6) If a person commits suicide, there is some reason for that at the time of commission of suicide. Such reason cannot arise subsequently. In suicide note, no allegation is made that prior to suicide the petitioners were harassing him. It appears that police could collect some record of register maintained by the deceased showing the payments made to the money lenders including the petitioners. Even if that record is considered as it is, it cannot be said that the circumstance like present petitioners were asking the deceased to return the loan amount became cause of the suicide. No allegation of that nature is made in suicide note and so, not much weight can be given at any stage to such allegation made by Amruta in F.I.R. Loan was taken from many other persons and deceased has mentioned in suicide note that money was to be paid to some persons and his successors were expected to see that the money was paid to them. In view of these circumstances, it cannot be said

that the present petitioners abated the commission of suicide of father of first informant. It will be abuse of process of law if the case is filed against the present petitioners and petitioners are made to face the trial for aforesaid offences. In the result, following order.

**O R D E R**

Both the petitions are allowed. Relief is granted to the petitioners in terms of prayer clause 'B'. Rule is made absolute in those terms.

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

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

ssc/

Salim  
Shafi  
Choudhari

Digitally signed  
by Salim Shafi  
Choudhari  
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