

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

CRIMINAL WRIT PETITION NO. 820 OF 2015

Annasaheb s/o Bhaurao Gawade,
Age: 58 years, Occu: Business,
R/o: Shahu Nagar, Kedgaon,
Ahmednagar, Tq. & Dist. Ahmednagar.

... **PETITIONER**

VERSUS

1] The State of Maharashtra,
Through Karjat Police Station,
Tq. Karjat, Dist. Ahmednagar.

2] Minakshi Sunil Ware,
Age: 38 years, Occu: Household,
R/o: Kedgaon, Ahmednagar,
Tq. & Dist. Ahmednagar.

... **RESPONDENTS**

([Res. No.2 Orig. Complainant])

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Mr. D. G. Nagode, Advocate for Petitioner.

Mrs. D. S. Jape, APP for Respondent No.1 / State.

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

DATE : 26th October, 2018.

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

. The proceeding is filed for relief of quashing of FIR

No.104 of 2015, registered with Karjat Police Station, Taluka Karjat, District Ahmednagar, for the offence punishable under Section 306 of the Indian Penal Code.

2 Both the sides are heard. Papers of investigation were made available.

3 The crime is registered on the basis of report given by one Smt. Minakshi Ware on 25th April, 2015. Her husband Sunil Ware working with Kinetic Engineer Company, Ahmednagar as welder. In one accident, he had lost four fingers. The company had given the expenses of treatment and according to the first informant, promise was given to give compensation of Rs.3,00,000/-.

4 It is the case of first informant that deceased used to disclose that the present Petitioner was not behaving properly with him and he was not giving work to him. He had started attending work 4 to 5 days prior to the date of incident. On 1st April, 2015 after 04:30 pm, it was noticed that Sunil had committed suicide by hanging himself. Suicide note was found with him and it was collected by police. FIR came to be given after about 20 days i.e. on 25th April,

2015.

5 This Court has carefully seen the contents of suicide note. He disclosed in suicide note that he was working in Kinetic Engineering, Nagar. Some persons were harassing him and due to that he was committing suicide. Sanjive Mama was requested to take care of his family. Again there are contents showing that nobody can be blamed and he was working under Gawade, present Petitioner. There is mention in suicide note that persons of the company had given ill-treatment to him and so, he was taking such step.

6 There are statements of his colleagues like Sanjay Misal and Pralhad Bhadange showing that he was working in welding department and from 22nd March, 2015 he had not resumed duty. They have mentioned that the company had spent on treatment when Sunil had lost his fingers in one accident. The statements do not show that he had resumed duty as contended by the first informant. Thus, from 22nd March, 2015, he was not on duty and he committed suicide on 1st April, 2015.

7 Even if the contents of suicide note are accepted as they

are, the present Petitioner, Gawade cannot be held responsible for the suicide of the deceased. At any stretch of imagination, it cannot be said that the present Petitioner abetted to suicide. This Court holds that nothing can be achieved by asking the Petitioner to face the trial for the aforesaid offences. In the result, the following order is passed:

ORDER

- I. The petition 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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