

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

CRIMINAL WRIT PETITION NO. 963 OF 2014

Sachin S/o Sambhaji Jawale,
Age: 29 years, Occu: Student,
R/o Majalgaon, Tq. Majalgaon, Dist. Beed.

... PETITIONER

VERSUS

1. The State of Maharashtra,
Through Secretary, Home Department,
Mantralaya, Mumbai-32.
2. Police Inspector,
Police Station, Rural Majalgaon, Dist. Beed.
3. Kalyan Appasaheb Shinde,
Age 24 years, Occu: Student,
R/o. Majalgaon, Tq. Majalgaon,
Dist. Beed.
4. Yogesh S/o Ramesh Laulkar,
Age: 32 years, Occ: Agril.,
R/o. Kalika Nagar,
Front of new bus-stop,
Majalgaon, Tq. Majalgaon,
Dist. Beed.

... RESPONDENTS

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Mr. Shubhangi D. More, Advocate for Petitioner.

Mr. A. A. Jagatkar, APP for Respondent Nos.1 & 2.

Mr. Avinash A. Khande, Advocate for Respondent No.3

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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.92 of 2014, registered with Police Station Rural Majalgaon, District Beed, for the offence punishable under Section 306 read with 34 of the Indian Penal Code.

2 Both the sides are heard.

3 The crime is registered on the basis of report given by one Kalyan Shinde, Respondent No.2. Deceased, Gokul was his brother and Gokul was living separate with his wife and issues in Majalgaon.

4 On 16th June, 2014, present Petitioner, Sachin Jawale visited the house of first informant and said that one Yogesh Lahulkar owed Rs.30,000/- to him and in respect of that amount, Gokul had stood surety. He said that the period given for repayment was over and so, he wanted to take action like taking some movables in his

possession.

5 It is the contention of the first informant that Gokul had then talked with present Petitioner and Gokul had promised to give money at 07:00 pm. Sachin had left the house of first informant due to this promise. On 17th June, 2014, when the first informant contacted Gokul, Gokul said that he was present in the field. When the first informant was proceeding towards the field, he noticed that there was motorcycle of Gokul on the road. He searched for Gokul and in the vicinity he found that Gokul was sleeping and by his side, there was box of poison. With the help of other brother and other persons, first informant shifted Gokul to Government Hospital Majalgaon and then to Government Hospital, Beed. Then he was taken to Deep Hospital, private hospital, but Gokul died on 21st June, 2014. During treatment Gokul was not able to speak. Then report was given against the present Petitioner and one Yogesh Lahulkar.

6 This Court has seen the papers of investigation. The death took place due to unknown poisoning. The contents of FIR shows that right from the point when Gokul was traced by Kalyan, Gokul had no conversation with Kalyan. Thus, till the death, Gokul did

not disclose anything to Kalyan or to others. It was submitted for the first informant that Gokul was taken to police station, but his report was not recorded. This submission is not acceptable in view of the contents of the FIR. It appears that the police had refused to register even crime and only after agitation of the relatives of the deceased, the crime was registered. That circumstance can no way lead to an inference that Gokul was harassed by the present Petitioner and the present Petitioner abetted the suicide of Gokul.

7 The learned counsel for first informant placed reliance on some observations made by the Apex Court in the case reported as **2013 (1) MAH.L.J. (CRI) (S.C.) 402** (Praveen Pradhan Vs. State of Uttranchal & Anr.). The facts and circumstances of each and every case are always different. In the present matter, even if allegations made in the FIR are accepted as they are, they are not sufficient to make out offence of abetment of suicide. This Court holds that nothing can be achieved by directing the Petitioner to face the trial. In the result, the following order is passed:

ORDER

- I. The petition is allowed.

- II. Relief is granted in terms of prayer clause (B).
- III. Rule is made absolute in those terms.

[SMT. VIBHA KANKANWADI, J.]

[T. V. NALAWADE, J.]

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