

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 2226 OF 2018

1) Vikas s/o Nanabhau Satpute,
Age 30 years, Occupation Service,

2) Shobha Nanabhau Satpute,
Age Major, Occupation Household,

3) Prakash s/o Nanabhau Satpute,
Age Major, Occupation Service,

4) Priyanka w/o Prakash Satpute,
Age Major, Occupation Household,

All R/o Akshay Row-Housing Society,
Gawade Mala, Pipeline Road,
Sawedi, Ahmednagar.

5) Satish s/o Sakharam Gaikwad,
Age Major, Occupation Agril.,
R/o Kalkup Tal. Parner,
Dist. Ahmednagar.

...Applicants

Versus

1) The State of Maharashtra
Through Police Station Officer,
Tophkhana Police Station, Ahmednagar.

2) Sou. Vijayshree w/o Dagadu Ujagare,
Age 45 years, Occupation Household,
R/o Room No. 192, Block No.13,
Police Headquarter, Ahmednagar.

...Respondents

Mr. R. S. Kasar, Advocate for applicants.

Mrs. D. S. Jape, Addl. Public Prosecutor, for respondent No.1 /
State.

Mr. S. S. Jadhavar, Advocate for respondent No.2.

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

DATE : 09-10-2018.

ORAL JUDGMENT : (Per SMT. VIBHA KANKANWADI, J.)

1. At the outset, learned Advocate for the applicants seeks permission to withdraw the application to the extent of applicants No.1 to 4.

2. Permission granted. The application stands disposed of as withdrawn to the extent of applicants No.1 to 4.

3. Rule. Rule made returnable forthwith. By consent, heard finally.

4. Present application has been filed by original accused persons invoking the inherent powers of this Court under Section 482 of the Code of Criminal Procedure in order to quash the First Information Report vide Crime No. 185 of 2018 dt. 12-04-2018, registered with Topkhana Police Station, Ahmednagar, for the offences punishable under Section 306, 498-A read with 34 of the Indian Penal Code.

5. Daughter of Respondent No.2 got viz. Pranali got married to applicant No.1 about 4 years prior to 12-04-2018. Pranali was having daughter by name Shourya, aged 2 ½ year. Pranali used to reside with applicant No. 1 at Gawade Mala, Pipeline road,

Ahmednagar. Applicant No.1 is the husband of respondent No.2, applicants No.2 is the mother and applicants No.4 is brother of applicant No.1. Applicant No.5 is the wife of applicant No.3. Applicant No. 6 is the maternal uncle of applicant No. 1.

6. Respondent No.2 – informant has contended that, applicants had treated deceased Pranali properly for about 2 months after the marriage. Thereafter they started harassing her without any reason. They used to say that she has given birth to a female child. Pranali used to disclose about the harassment to informant and her family members on phone or by visiting their house. They used to give her advice and sent her back to matrimonial home. Shourya was handicapped by hand. Applicants used to ask Pranali to bring amount from parents for the treatment of her daughter. Some times informant used to provide money to her. In case of delay in giving amount, Pranali used to be assaulted by applicants. Applicant No. 1 and 2 had demanded amount of Rs.1 lakh for the operation of hand of Shourya. Pranali had given a call to husband of informant at about 6.30 to 7.00 a. m. on 10-04-2018 asking him to give amount on that day itself. Her family members are harassing more. Husband of informant had gone to matrimonial home of Pranali on 11-04-2018 around 8.00 a.m. And tried to resolve the matter. Thereafter on the same day at about 8.30 p. m., applicant No. 1 informed them that Pranali has committed suicide by hanging herself. Informant and her

husband went to Pranali's house Informant says that her daughter has committed suicide only on the count of harassment by applicants. Therefore, she has lodged the report.

7. The applicants have contended that, the applicant No. 3 and 4 are residing separately from applicant No. 1 and 2. Shourya is handicap and the said fact was giving frustration to deceased. Applicant No. 1 was providing regular treatment to his daughter. He himself is Police Constable and earning sufficiently. Therefore, there is no question of demand of any amount. He was on duty, when the deceased had committed suicide. He had informed the said fact immediately to the informant's husband, who is also serving with police department. Contents of the FIR are false and concocted. There is nothing against any of the applicants in the suicide note left by the deceased. There are no allegations of abatement of commission of suicide by any of the applicants. Therefore, they have prayed for quashment of the FIR.

8. Heard learned Advocate Mr. R. S. Kasar appearing on behalf of applicants, learned Addl. Public Prosecutor Mrs. D. S. Jape and learned Advocate Mr. S. S. Jadhavar, appearing on behalf of respondent No.2. When it was pointed out to the learned advocate for the applicants that, this Court is not inclined to grant any relief to applicants No.1 to 4, he prayed for withdrawal of the application as

against them.

9. The application was considered only for the allegations against the maternal uncle, applicant No.5. Except mentioning his name in FIR, no specific role has been attributed against him in respect of offence under Section 498-A as well as Section 306 of the Indian Penal Code. If at all there would have been a demand it would have been mainly by the husband and the relatives. Applicant No. 1 to 4 are residing in one house. The perusal of the entire FIR would show that allegations have also been made against applicant No. 5. Nothing was demanded by applicants No.5 for himself as per the allegations in the FIR itself. Perusal of suicide note would also show that there are no allegations by deceased against applicant No. 5. It also appears that the main point for worry to the deceased was that her daughter was handicap. There are allegations against applicant No. 1 to 4 in the same. Investigating papers do not show that on the day of incident or just prior to that day, applicant No. 5 had come to the house of applicant No. 1 to 4. Therefore, there is absolutely no evidence even at this stage to show that by any means, applicant NO. 5 would have abated the commission of suicide by deceased. Moreover applicants No.5 is admittedly resident of Kalkup, Tal. Parner, Dist. Ahmendnagar. So, it appears that, as a routine the relative of the husband has also been roped. It would be a futile exercise to ask applicant No. 5 to face the trial, with such kind of

allegations. Under such circumstance relief is required to be granted to the applicant No.5 by invoking the inherent powers of this Court under Section 482 of the Code of Criminal Procedure. Hence, following order.

ORDER

- 1) Application of applicant No.5 hereby allowed.
- 2) Relief is granted in terms of prayer clause "B" to the applicant No. 5 only.
- 3) Application to the extent of applicants No.1 to 4 is hereby disposed of as withdrawn.
- 4) Rule made absolute in the above terms.

(SMT. VIBHA KANKANWADI)
JUDGE

(T. V. NALAWADE)
JUDGE

vjg/-.