

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

CRIMINAL APPLICATION NO. 4773 OF 2017

Smt. Sarika Dilip Bari,
Age 38 years, Occu. Service,
R/o. 52, Shivneri Colony, Vidya Nagar,
Devpur, Dhule, Tq. Sakri & Dist. Dhule **....Applicant.**

Versus

1. The State of Maharashtra
Through Pimpalner Police Station,
Pimpalner, Tq. Sakri, Dist. Dhule.
2. Deepak Laxman Barde,
Age 34 years, Occu. Agriculture,
R/o. Chikase, Taluka Sakri,
Dist. Dhule. **....Respondents.**

Mr. O.B. Shriram h/f. Mr. D.S. Bagul, Advocate for applicant.

Mr. R.V. Dasalkar, APP for respondent No.1/State.

**CORAM : T.V. NALAWADE AND
K.L. WADANE, JJ.
DATED : JUNE 25, 2018.**

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

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

2) The proceeding is filed under section 482 of Criminal Procedure Code for quashing of F.I.R. No. 60/2015 registered on 28.8.2015 in Pimpalner Police Station, Tahsil Sakri, District Dhule for

the offence punishable under section 306 of Indian Penal Code.

2) The crime is registered on the basis of report given by Dipak Barde, father of deceased Laxman. He has contended that due to heavy rain, the roof of tin shed of his house was blown away by the wind and his house was damaged. He has contended that on 13.3.2015 present applicant, who was Block Development Officer (BDO), visited the village to inspect the things and to assess the damage. It is his contention that on that day, the applicant blamed the family of the first informant for not making construction of roof properly and she gave threat for taking action as she was feeling that the family of the first informant was asking to prepare false panchanama. Laxman committed suicide by hanging himself on 4.4.2015 and F.I.R. came to be given on 20.8.2015.

3) This Court has carefully gone through the papers of investigation. One suicide note was found with the dead body and in the suicide note, the deceased had contended that he had sustained heavy loss due to hailstorm, he had lost the crop and he was not able to repay the loan taken from money lender and for this reason, he committed suicide.

4) It appears that after the aforesaid visit of applicant to

the village, the first informant had given complaint to District Collector and he had made complaint that the applicant had insulted him when she had visited the village to make assessment of damage. He had given threat that something may happen to his family and if anything happen to his family, the applicant can be held responsible. There was no mention in the complaint that the applicant had insulted father of first informant. Though there are some statements of some persons of the village and even police officer has formed opinion that there is substance in the allegations made against the applicant, this Court holds that it will be misuse of the process of law if further things are not checked and the applicant is made to face the trial of the case. At any stretch of imagination, it cannot be said that the applicant had abated the suicide of father of first informant. On the contrary, there is suicide note of the deceased in which he did not blame the present applicant and he blamed only his fate. In the result, the application is allowed. Relief is granted in terms of prayer clause 'B'. Rule is made absolute in aforesaid terms.

[K.L. WADANE, J.]

[T.V. NALAWADE, J.]

ssc/