

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 3022 OF 2018

Avinash s/o Sudhakar Andhale,
Age 29 years, Occupation Service,
R/o Jirewadi Tq. Pathardi
Dist. Ahmednagar.

...Applicant

Versus

The State of Maharashtra,
Through Incharge Police Officer,
Police Station Pathardi Tq. Pathardi
Dist. Ahmednagar.
And other (01)

...Respondents

Mr. A. G. Ambetkar, Advocate for applicant.
Mr. M. M. Nerlikar, Addl. Public Prosecutor, for respondent
No.1 / State.
Mr. S. R. Andhale, Advocate for respondent No.2.

**CORAM : T. V. NALAWADE &
SMT.VIBHA KANKANWADI. JJ.
DATE : 28-11-2018.**

ORAL JUDGMENT : (Per COURT)

1. Rule. Rule made returnable forthwith. By consent, heard both the sides for final disposal.
2. The proceeding is filed under Section 482 of Code of Criminal Procedure for relief of quashing of First Information Report bearing No. 547 of 2018 registered with Pathardi Police Station Dist. Ahmednagar for the offence punishable under Section 306 read with 34 of Indian Penal Code. The report is given by respondent No.2

who is the father of deceased. Applicant is the real brother of the widow of the deceased. There was some dispute between deceased and wife and the wife had complained to the present applicant about the conduct of the deceased. On 11-09-2018 there was quarrel between the deceased and the present applicant and allegations are made that, beating was given to the deceased by the present applicant. The deceased committed suicide on the night between 11-09-2018 and 12-09-2018 by hanging himself in front of his house where there is standing tree. FIR was given on 12-09-2018 and allegations are made against the present applicant that due to his harassment, suicide was committed.

3. During arguments the learned counsel for the applicant and first informant submitted that, parties have settled the dispute and first informant has no intention to give evidence against the present applicant. In view of the relationship, the circumstance that no suicide note is kept by the deceased and the entire matter will be relied upon the evidence of the first informant. This Court holds that settlement needs to be considered and relief needs to be granted. In the result, application is allowed. Relief is granted in terms of prayer Clause 'B'. Rule is made absolute in those terms.

(SMT. VIBHA KANKANWADI)
JUDGE

(T. V. NALAWADE)
JUDGE

vjg/-.