

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 6826 OF 2015

[1] Jaykumar S/o Laxman Waghmode, **APPLICANTS**
Age : 42 Yrs, Occ. Agriculture,

[2] Yuvraj S/o Rajabhau Teleng,
Age : 47 Yrs, Occ. Agriculture,

Both R/o. Tuljapur, Tq. Tuljapur,
District Osmanabad

V E R S U S

[1] The State of Maharashtra, Through **RESPONDENTS**
Police Inspector, Tuljapur Police
Station, Taluka Tuljapur, District
Osmanabad

[2] Mohan S/o Narayan Hande, Age
55 Yrs, Occupation Agriculture,

R/o. Kakramba, Taluka Tuljapur,
District Osmanabad

Mr. M.P. Tripathi, Advocate for the applicants

Mr. A.A. Jagatkar, APP for respondent No.1

Mr. V.V. Ingale, Advocate for respondent No.2

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

DATE : 5th SEPTEMBER, 2018

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

Rule. Rule made returnable forthwith. By consent of both the sides, this application is taken up for final disposal. Heard both the sides.

2. The proceeding is filed under Section 482 of Cr.P.C. for the relief of quashing of Crime No.284/2015, registered with Tuljapur Police Station for the offence punishable under Section 306 read with Section 34 of Indian Penal Code. The crime is registered on the basis of report given by respondent No.2-Mohan Hande. He has contended that his wife had executed one document titled as 'sale-deed' on 06.01.2015 in respect of agricultural land which was standing in the name of his wife and land was shown to be sold in favour of son of applicant No.2. It is contended that he was in need of money and he had no intention to execute sale-deed and entire amount of consideration was also not paid. It is contended that the land was given by way of security, but possession thereof was not given. It is contended that he had agreed to pay interest @5% per month, and accordingly, he had paid interest for some time. It is contended that for the months of August 2015 and September 2015 he could not pay the interest and thereafter the dispute started. He has mentioned some incidents

between them and he has contended that the present applicants had come to his house and had given threats as their names were not entered in the revenue record. It is the contention that on 19.10.2015 when he was not at home, applicant Jaikumar had called him on mobile and the said call was taken by son Abhishek @ Abhijit. It is contended that on the same day, the deceased committed suicide by hanging himself. It is contention of respondent No.2 that due to harassment of applicants, his son committed suicide. The report was given on 29.11.2015.

3. A copy of sale-deed is produced on record, which shows that it was out and out-sale and possession of the land was also given on the date of sale transaction. Copy of 7/12 extract is produced on record and it shows that in the year 2013-14, the name of son of applicant No.2 was entered in revenue record on the basis of sale-deed. A copy of Civil Suit filed by son of applicant in the year 2015 is produced on record. The submissions made do not show that any suit was filed for cancellation of sale-deed by respondent No.2. In view of nature of aforesaid material, this Court holds that asking the applicants to face the prosecution for the offence punishable under section 306 read with Section 34 of Indian Penal Code will be unnecessary harassment to them and it will be an abuse of process of law. This Court holds that the relief

needs to be given to the applicants, as claimed. In the result, application is allowed. The relief is granted in terms of prayer clause "B" of the application. Rule is made absolute in those terms.

[SMT.VIBHA KANKANWADI,J.]

[T.V. NALAWADE, J.]

SRM/5/9/18