

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

CRIMINAL WRIT PETITION NO.13 OF 2019

Sandeep Jayavant Patil,
Age : 28 Years, Occ. Service,
Chorvad, Tq. Parola,
Dist. Jalgaon

..PETITIONER

VERSUS

1. The State of Maharashtra
Through Police Station Officer,
MIDC, Waluj, Aurangabad

2. Asha Chandrakant Ambhore,
Age : 35 Years, Occ. Service,
R/o. Sushila Housing Society,
Sainagar, Ranjangaon,
Tq. Gangapur Dist. Aurangabad

... RESPONDENTS

...
Advocate for Petitioner : Mr. S. N. Suryawanshi
APP for Respondents: Mr. A.A. Jagatkar
Advocate for respondent No.2 : Mr. V. P. Patil
...

**CORAM :T.V. NALWADE AND
K.K. SONAWANE ,JJ.
DATE : 9th JULY, 2019.**

JUDGMENT(PER T.V. NALWADE, J] :-

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

2. The present proceeding is filed for relief of quashing and setting aside of the FIR No. 363/2018 registered with MIDC Police Station Aurangabad for the offence punishable under Section 306 read with

Section 34 of the Indian Penal Code and also Regular Criminal Case No. 5/19 filed in that C.R for the same offence.

3. The report is given by Smt. Asha Chandrakant Ambhore, the widow of the deceased. She has made allegations that due to false report of rape filed by one Smt. Jyoti against her husband he was in disturbed state of mind and ultimately he committed suicide by hanging himself on 10.09.2018 in his house. The deceased has left behind suicide note in which he has blamed Smt. Jyoti and her husband for suicide.

4. The submissions made show that present petitioner had given company to Jyoti when she had approached the police to give report against the deceased. On the basis of report given by Jyoti C.R. No. 122/2018 is registered in M.I.D.C Police Station Waluj District Aurangabad for the offences punishable under Section 326 and 354 of the I.P.C Report was given on 22.04.2018 and suicide incident took place on 10.09.2018.

5. Even if the record mentioned above is considered as it is, that record cannot make out the offence punishable under Section 306 read with Section 34 of the Indian Penal Code against the present petitioner. The prosecution is relying mainly on the suicide note left behind by the

deceased Chandrakant. It will be abuse of process of law if the present petitioner is asked to face the trial for aforesaid offence. In the result, following order.

ORDER

1. The petition is allowed.
2. Relief is granted in terms of amended prayer clause ' B-2'.
3. Rule made absolute in those terms.

[K.K. SONAWANE]
JUDGE

[T.V. NALAWADE]
JUDGE

YSK/