

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

CRIMINAL APPLICATION NO. 366 OF 2019

Dipak s/o. Ankush More (Sutar),
Age 21 years, Occu. Education,
R/o. Lokhangaon, Tq. Washi,
Dist. Osmanabad.

....Applicant.

Versus

1. The State of Maharashtra
Through the Principal Secretary,
Home Department, Mantralaya,
Mumbai-32.
2. The Police Inspector,
Police Station, Vashi,
Dist. Osmanabad.
3. Sanjay s/o. Nilkanthrao Lakhe (Patil),
Age 51 years, Occu. Agri. and Business,
R/o. At Post Lakhangaon, Tq. Vashi,
Dist. Osmanabad
And
R/o. In front of Jalna Sahakari Sakhar
Karkhna, Ram Nagar, Jalna, Dist. Jalna. **....Respondents.**

Mr. N.S. Tekale, Advocate for applicant.

Mr. K.S. Patil, APP for respondent/State.

Mr. Imran Khan, Advocate for respondent No. 3 (appointed).

Mr. V.D. Gunale, Advocate for respondent No. 3.

**CORAM : T.V. NALAWADE AND
K.K. SONAWANE, JJ.
DATED : 23/07/2019.**

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 for relief of quashing of C.R. No. 145/2018 registered with Washi Police Station, District Osmanabad for the offences punishable under sections 306, 323, 504, 506 r/w. 34 of Indian Penal Code. The crime is registered on the basis of report given by son of deceased. Deceased Nilkanthrao had quarrel with Ankush More (Sutar), wife of Ankush Sutar, son of Ankush Sutar and brother in law of Ankush Sutar on 16.7.2018 in the night time at about 8.30 p.m. At that time, the informant Sanjay was at Mumbai. When he learnt about the quarrel, he had contacted the father on phone and he had advised him to return to home. Then his relatives had taken Nilkanthrao to his house. On that night i.e. night between 16.7.2018 and 17.7.2018 Nilkanthrao consumed poison. Attempt was made to save his life by shifting him to the hospital, but he died on 17.7.2018 at 8.30 a.m. due to poisoning. He left behind suicide note. The F.I.R. came to be given on 26.8.2018.

3) When in the so called suicide note, the deceased has mentioned eight names as the persons responsible for his death and when he has mentioned that the other three persons like Ankush, wife of Ankush and son of one other person as the persons who had assaulted him, in F.I.R. the son of deceased has contended that there was grievance as against Ankush More (Sutar), Rajashri

Ankush More (Sutar), Dipak Ankush More and Rushikesh Hanumant Sutar and there was dispute between these persons on one hand with the deceased as these persons were not giving Rs.7500/- which was the price of wood sold to them. He has made allegations that as beating was given to the deceased, the deceased must have felt insulted and due to that he must have committed suicide. Thus, even when many names are mentioned in the suicide note, the son of deceased wants to blame mainly the family of Ankush More. He has shown ignorance as to why the other names are mentioned in suicide note by his father.

4) Even if it is presumed that present applicant was involved in the incident of 16.7.2018 and there was quarrel and the deceased was assaulted, inference is not possible against the present applicant who was aged about 21 years that he abated the suicide of the deceased. The deceased blamed many persons who are more than 10 persons for his suicide. It cannot be said that all of them had abated the suicide. There is allegation against Ankush in the suicide note that in respect of windows and doors the amount of Rs.7500/- was due from Ankush and he was not giving that amount. In view of these circumstances, this Court holds that relief needs to be given to the applicant. It appears that the case is also filed by police in aforesaid crime against the present applicant in the

Court. So, this Court allowed the learned counsel for applicant to amend the prayer clause and to add the relief of quashing of the case itself. In the result, the application is allowed. Relief of quashing of the aforesaid F.I.R. and also the case filed in the Court in the said F.I.R. to the extent of present applicant - Dipak Ankush More (Sutar) is granted. The fees of the counsel appointed is quantified as Rs.3000/- and it is to be paid through High Court Legal Services Sub Committee, Aurangabad.

Rule is made absolute in those terms.

[K.K. SONAWANE, J.]

[T.V. NALAWADE, J.]

ssc/