

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CRIMINAL APPLICATION NO.714 OF 2019

Navnath Vitthal Wagh,
Age 36 years, Occu. Agri.,
R/o. Burudgaon, Ahmednagar,
Taluka and District Ahmednagar.

Applicant
.. (Original Accused)

VERSUS

1 The State of Maharashtra
Through its Investigation Officer,
Kotwali Police Station, Ahmednagar,
Taluka and District Ahmednagar.

2 Amruta D/o. Dnyandev Pawar,
Age 24 years, Occu. Education,
R/o. Om Bhuikota, Nagar Pune Road,
Bhingar, Taluka and District Ahmednagar. .. Respondents
(Original complainants)

...
Mr. Narayan B. Narwade, Advocate for Applicant.
Mr. R. D. Sanap, APP for Respondent No.1.
Mr. Manoj A. Dond Patil, Advocate for Respondent No.2.

...
**CORAM : T.V. NALAWADE &
K. K. SONAWANE, JJ.**

DATED : 02nd JULY, 2019.

ORAL JUDGMENT (PER : T. V. NALAWADE, J.) :-

Rule. Rule made returnable forthwith. Heard finally, with consent of learned counsels appearing for the parties.

2. The present proceeding is filed for quashing of First Information Report bearing No. I-149 of 2018 dated 15-04-2018 registered with Kotwali Police Station, Ahmednagar, for the offence punishable under Sections 306, 504 and 506 read with Section 34 of the Indian Penal Code. The crime is registered on the basis of report given by respondent No.2 - original complainant - Amruta d/o. Dnyandev Pawar. Deceased Dnyandev was father of Amruta. He

committed suicide on 31-03-2018 in his house by firing a bullet from revolver. Accident Death Case No. 36 of 2018 was registered out of his death and First Information Report came to be registered on 15-04-2018. One suicide note was produced and it shows that the deceased was heavily indebted, and due to that, he was taking such decision. Though in FIR, there were specific allegations against the present petitioner that the petitioner was harassing the deceased by collecting money from him and every month, he was collecting the amount around of Rs. 35 to 40 Lacs, this kind of contention is not there in the suicide note. The photo copy of suicide note was shown to the learned counsel for first informant and time was given to him to show that such contention was made by the deceased against the petitioner. In the suicide note, there was no such type of contention and on his own, the first informant has made such contention. This Court has given relief to all those persons, whose names are mentioned there in suicide note. The reasons for same are given in the Order dated 19-09-2018 passed in Writ Petition No. 784 of 2018 (*Sou. Asha Suresh Katariya Versus The State of Maharashtra and other*). The reasons at paragraphs No. 5 and 6, they are as under -

“5) The suicide note was made available for the perusal of this Court and it shows that the deceased admitted that he was heavily indebted and even after taking some steps like selling the property, the burden of the loan was still there. In the suicide note, he contended that he had repaid the loan taken from money lenders like the present petitioners and nothing was due to them from him. He had not blamed anybody for committing suicide and he contended that if in future the money lenders like petitioners make demand of any money in respect of the loan, they should be held responsible for his suicide.

6) If a person commits suicide, there is some reason for that at the time of commission of suicide. Such reason cannot arise subsequently. In suicide note, no allegation is made that prior to suicide the petitioners were harassing him. It appears that police could collect some record of register maintained by the deceased showing the payments made to the money lenders including the petitioners. Even if that record is considered as it is, it cannot be said that the circumstance like present petitioners were asking the deceased to return the loan amount became cause of the suicide. No allegation of that nature is made in suicide note and so, not much weight can be given at any stage to such allegation made by Amruta in F.I.R. Loan was taken from many other persons and deceased has mentioned in suicide note that money was to be paid to some persons and his successors were expected to see that the money was paid to them. In view of these circumstances, it cannot be said that the present petitioners abated the commission of suicide of father of first informant. It will be abuse of process of law if the case is filed against the present petitioners and petitioners are made to face the trial for aforesaid offences.”

3. The case of present applicant is not different from the petitioner in the aforesaid matter. Hence, this Court holds that the applicant is entitled to get relief. In the result, we proceed to pass following order :-

ORDER

1. The Criminal Application is allowed in terms of prayer clause 'B'.
2. Rule is made absolute in those terms.

[K. K. SONAWANE]
JUDGE

[T.V. NALAWADE]
JUDGE