

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 1011 OF 2018

Ankush S/o Rangnath Nannaware,
Age : 34 Years, Occ. Business,
R/o. Gategaon, Dist. Latur
At present R/o. Murud Akola Dist. Latur ..APPLICANT

VERSUS

1. The State of Maharashtra,
Through Police Station Officer,
Gategaon Police Station,
Dist. Latur
2. Sukumar W/o Govind Rohi,
Age :Major, Occ. Housewife,
R/o. Sakhra, Gategaon,
Dist. Latur ..RESPONDENTS

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Advocate for the applicant : Mr. J.V. Deshpande and
Mr. B. N. Magar
A.P.P for respondent No.1-State : Mrs. D. S. Jape
Advocate for respondent No.2 : Mr. R.K. Ashtekar

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**CORAM :T.V. NALWADE AND
K.K. SONAWANE ,JJ.
DATE : 08th AUGUST, 2019.**

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

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

2. The proceeding is filed for relief of quashing of First Information Report No.7 of 2018 registered with Gategaon Police Station, District

Latur for the offences punishable under Sections 306 and 506 read with Section 34 of the IPC and also for quashing of the case filed in the C.R.

3. The crime was registered on the basis of report given by the informant-widow of the deceased- Govind Hanmant Rohi, resident of Sakhara Tq. And District Latur. The deceased committed suicide on 19.01.2018, in the morning by hanging himself in the field of one Jagannath Venjane from Sakhara village. Accidental death was registered by giving number as 01/2018. On 27.01.2018, the widow approached police and she gave report against the present applicant and his maternal uncle that they were harassing the deceased. There was some transaction in respect of the land of the deceased situated in village Sakhara between the deceased and Sudhakar Satpute. Sudhakar had given some amount but according to the informant the amount was returned by the deceased to Sudhakar. Allegation was made in the FIR that on 17.01.2018 at about 9.00 a.m. Sudhakar and present applicant had approached the deceased in the village Sakhara and they had demanded 50% of the consideration in respect of the aforesaid transaction and they had given threat of life. It is contended that the deceased trusted Sudhakar but Sudhakar had deceived the deceased. She contended that the deceased was disclosing to her and her son that Sudhakar had deceived him and it had become difficult for him to live. They tried to convince him, but ultimately on 17.01.2018, he left home

by saying that he was proceeding to Latur but he committed suicide on 19.01.2018.

4. The papers of the investigation show that when the dead body was noticed in the field, some papers were found with the dead body and they were taken over. Thus, the papers were taken over on 19.01.2018, but no FIR was given immediately by the widow of the deceased. After registration of the crime, police had sent the papers taken over on 19th with handwriting supplied by the relatives of the deceased for comparison. Today copy of the report of the opinion came to be produced in this proceeding showing that as there was no adequate contemporary natural writing, it was not possible to compare the writing given and so it was not possible to give definite opinion.

5. Even if it is presumed that the chits which were allegedly found with the dead body were in the hand writing of the deceased, aforesaid allegations and the contents of those chits show that the deceased had no transaction with the present applicant. If at all he had some transaction, it was with Sudhakar and in FIR also allegations were made that the deceased used to say that Sudhakar had deceived him. If the incident of 17.01.2018 had really happened and present applicant had given threat to the deceased, in ordinary course, the complaint would have been given against the applicant immediately. In the chit

also there are no allegations other than the so call incident of the 17.01.2018 against the applicant. The contents are mainly against Sudhakar. The contents of the note are against other also . In view of these circumstances, at no stretch of imagination it is not possible to infer that the applicant abetted the suicide committed by the husband of the informant. It will be un-necessary harassment to the applicant if he is asked to face the trial for the aforesaid offence. In the result, following order :-

ORDER

1. The application is allowed.
2. Relief is granted in terms of prayer clauses 'B' and 'B-1'.
3. Rule made absolute in those terms.

[K.K. SONAWANE]
JUDGE

[T.V. NALAWADE]
JUDGE

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