

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

CRIMINAL APPLICATION NO.1246 OF 2019

Kalyani D/o Prakash Kadpe,
Age-14 years, Occu:Student,
R/o-Raigavhan, Tq-Partur,
Dist-Jalna,
Through the natural guardian
and father,
Prakash s/o Sudam Kadpe,
Age-32 years, Occu:Agril.,
R/o-Raigavhan, Tq-Partur,
Dist-Jalna.

...APPLICANT

VERSUS

- 1) The State of Maharashtra,
Through Police Station,
Wadwani, Dist-Beed,
- 2) Meerabai Ramnath Nagargoje,
Age-40 years, Occu:Labour,
R/o-House of Shri Pingle,
Tuljai Chowk, Beed,
Tq. & Dist-Beed.

...RESPONDENTS

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Mr.S.J. Salunke Advocate for Applicant.
Mr.M.M. Nerlikar, A.P.P. for Respondent No.1.
Mr.G.A. Kulkarni Advocate for Respondent No.2.

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

DATE : 6TH JUNE, 2019

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

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

2. The present application is filed under Section 482 of the Code of Criminal Procedure for relief of quashing and setting aside First Information Report bearing No. 23 of 2019 registered with Wadwani Police Station, Wadwani, Dist-Beed, for the offence punishable under Section 306, 304-B, 498-A, 323, 504, 34 of the Indian Penal Code. The crime is registered on the basis of report given by the mother of the deceased. The deceased was given in marriage to Mahadev Ashruba Bikkad, resident of Wadi, Taluka-Pathri, Dist-Parbhani. Present Applicant is minor

daughter of sister of Mahadev and she was living with Mahadev for education purpose. In the First Information Report, allegations are made that the husband, Mahadev, was giving physical and mental ill-treatment to the deceased and the present Applicant was helping to the husband of the deceased. The deceased committed suicide by jumping into the well on the night between 24th February, 2019 and 25th February, 2019.

3. The papers of the investigation show that the deceased has left behind the suicide note. In the suicide note, she has not blamed the present Applicant for any cruel treatment. There is only mention that on instigation of husband of the deceased, present Applicant used to tell her relatives that deceased was not behaving properly with her husband. Thus, there is no allegation in the suicide note that present Applicant was giving any cruel treatment to the deceased. Considering

the contents of the suicide note, and the fact that the present Applicant is a minor and taking education, and as there are aforesaid circumstances, this Court holds that it will be abuse of process of law, if the present Applicant is made to face the trial of the aforesaid offences.

4. In the result following order is passed;

O R D E R

(I) The Application is allowed.

(II) Relief is granted in terms of prayer Clause "C)", to the extent of present Applicant only.

(III) Rule is made absolute in those terms.

(K.K. SONAWANE, J.)

[T.V. NALAWADE, J.]