

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 1450 OF 2019

Pravina D/o Gajanan Jadhav @
Pravina W/o Kailas Sapkale
Age : 46 Years, Occ. Service,
R/o. Shraddha Colony,
Plot No. 24/3, Gat No. 471/A/1,
Jalgaon.

...APPLICANT

VERSUS

1. The State of Maharashtra,
Through Police Station Officer,
Shanipeth Police Station,
Jalgaon
2. Aasha W/o Bharat Sapkale,
Age : 35 Years, Occ. Household,
R/o. Plot No.5, Dinkarnagar,
Shanipeth, jalgaon

...RESPONDENTS

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Advocate for the Applicant : Mr. G.G. Kadam
A.P.P for respondent State : Mr. M.M. Nerlikar
Advocate for respondent No.2 Mr. A I. Deshmukh

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CORAM : T.V. NALWADE AND'
S.M. GAVHANE,JJ.

DATE : 27-11-2019.

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 of FIR No. 53/2019 registered with Shani Peth Police Station, Jalgaon for the offences punishable under Sections 306 of the Indian Penal Code. Subsequent to filing of proceeding, charge sheet came to be filed so by making amendment the relief is claimed of quashing of the proceeding in R.C.C No 500/2019 which is filed in the aforesaid crime.

3. The aforesaid crime is registered on the basis of report given by respondent No.2 Smt. Aasha. In the report informant has contended that present applicant had harassed the deceased Bharat, husband of the informant and she was insisting that the compensation amount in respect of the land of the family which was acquired for the public purpose should not be given to the sisters of Bharat and it should be disbursed only amongst brothers of Bharat. It is contended that she was also asking for her share in the compensation which Ramesh Sapkale, brother of father-in-law of the informant was to get. It is contended that as the applicant is working in police force he was creating pressure on the deceased and so on 11.03.2019 in the evening her husband committed suicide. It is her contention that before committing suicide, her husband had called her on mobile and had informed that due to

harassment of present applicant he was frustrated and he had consumed insecticide Thymate to commit suicide. It is contended that the relative had rushed to the field but in the mean time the deceased had returned to home and from there he was shifted to the Civil Hospital Jalgaon. It is contended that when the deceased was under treatment, the applicant had said that she would bear the expenses of the treatment provided that her name is not taken by the informant to put blame of her in respect of suicide attempt of Bharat. It is contended that this proposal was not accepted. Bharat died on 21.03.2019 and the report came to be given on 21.03.2019.

4. The submissions made show that one Totaram was common ancestor of the family of the informant and family of the applicant. Totaram left behind two sons by name Ganpat and Ramesh. Ramesh is alive but Ganpat is dead. Ganpat had left behind three sons by name Kailas, Satish and Bharat and he had left behind three daughters also. Kailas is dead and present applicant is the widow of the Kailash. This relationship needs to be kept in mind at the time of consideration of the allegations made against the applicant. The submissions made show that no compensation is as yet given in hand of anybody by the acquiring body. Thus, the amount of

compensation was not collected and so there was no question of distribution of the compensation amount amongst the legal heirs of the Ganpat. If anybody dispute, the dispute could have been taken to civil Court. In ordinary course, the branch of the Ganpat could not have claimed any share in the compensation to which Ramesh was entitled. Further, the present applicant is a widow, though she is in police force. There is no record of suicide note and the FIR was not given immediately if the deceased had really disclosed that he was committing suicide only due to harassment of the applicant. There is clear possibility that only to presurize the applicant and to see that she does not claim any share in the compensation such report is given. In any case, on the basis of allegations as they are, inference is not possible that, there was intention of the present applicant as mentioned in the Section 107 of the Indian Penal Code of the abetment of the suicide. Thus, even on the basis of the allegations made as they are, the offence of the abettment of suicide cannot be proved against the applicant. It will be abuse of process of law, if the applicant is directed to face the trial for the aforesaid offence. In the result, following order :-

ORDER

1. Application is allowed.

2. Relief is granted in terms of prayer clause 'C' and 'C-1'
3. Rule made absolute in those terms.

(S.M. GAVHANE, J.)

(T.V. NALAWADE, J.)

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