

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

CRIMINAL APPLICATION NO.2191 OF 2018

Anil s/o Shankarrao Bhoskar,
Age-49 years, Occu:Service as
Laboratory Assistant,
R/o-Kalamnuri, Tq-Kalamnuri,
Dist-Hingoli.

...APPLICANT

VERSUS

- 1) The State of Maharashtra,
Through Police Inspector,
Police Station, Akhada Balapur,
Tq-Kalamnuri, Dist-Hingoli,
- 2) Pravin s/o Panjabrao Patange,
Age-28 years, Occu:Agri.,
R/o-Gorlegaon, Tq-Kalamnuri,
Dist-Hingoli.

...RESPONDENTS

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Mr.Sachin S. Deshmukh Advocate for Applicant.
Mr.R.D. Sanap, A.P.P. for Respondent No.1.
Mr.S.B. Ghute Advocate for Respondent No.2.

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

DATE : 11TH JULY, 2019

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

1. Rule. Rule made returnable forthwith and heard finally with the consent of the learned counsel appearing for the parties.

2. Present proceeding is filed for the relief of quashing of First Information Report No.184 of 2018 registered with Akhada Balapur Police Station, Tq-Kalamnuri, Dist-Hingoli, for the offence punishable under Section 306 of the Indian Penal Code. Both the sides are heard.

3. The crime is registered on the basis of report given by one Pravin Patange. Deceased Dhondbarao, aged about 82 years, was the grand father of Pravin Patange. He died due to poison in the field on 20th June, 2018. Pravin Patange gave report to police on 27th June, 2018.

4. Pravin Patange has made allegations against the present Applicant that the Applicant was harassing the deceased to recover the amount given as a loan and interest on the loan and due to that Dhondbarao committed suicide. It is contended that in the year 2012, Dhondbarao had executed document in favour of the present Applicant showing that 80 R. portion of land Gut No.21 was given to the Applicant. It is contended that though the document was titled as sale deed, it was mortgage document and for consideration of Rs.1,30,000/- the land was given as security. It is contended that deceased returned an amount of Rs.90,000/-, but the Applicant was not ready to re-convey the property. It is contended that the Applicant was demanding Rs.7,00,000/- for re-conveying the property & due to that Dhondbarao consumed the poison and committed suicide.

5. It is not disputed that the document

executed in favour of the Applicant was out and out sale. Copy of the sale deed is produced on record and it shows that it was out and out sale. One witness on the sale deed was father of the informant. Admittedly, no suit is filed by the first informant or his father to challenge the said document. It appears that only after the death of Dhondbarao, some steps were taken and application was moved against the Applicant that it was illegal money lending transaction.

6. Though the papers contain the statement showing that Dhondbarao had disclosed in the field, after consuming the poison, that he was doing it due to aforesaid transaction, there is no record to show as to whether Dhondbarao was conscious. In any case, even if the allegations are accepted as it is, the aforesaid circumstances cannot be used to draw an inference that the Applicant had abetted Dhondbarao to commit suicide. It will

be an abuse of process of law if the Applicant is directed to face the aforesaid trial if the case is filed against the Applicant.

7. In the result, the Application is allowed. Relief is granted in terms of prayer clause "B)". Rule is made absolute in those terms.

(K.K. SONAWANE, J.)

[T.V. NALAWADE, J.]

asb/JUL19