

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

CRIMINAL WRIT PETITION NO.1088 OF 2018

1. Nileshkumar S/o Jivanrao Harge,
Age:39 Years, Occu.- Service,
R/o.: Plot No.9, Alok Nagar,
Satara Parisar, Aurangabad.
2. Prasad S/o Purushottam Joshi,
Age:32 Years, Occu.- Service,
R/o.: T.V. Centre, CIDCO, Aurangabad.
3. Neeraj S/o Sohanlal Mangal,
Age:51 Years, Occu.- Business,
R/o.: Solitaire, Hiranandani Gardens, Povai,
Mumbai 400 076.
4. Prashant S/o Dwarkadas Bairagi,
Age:45 Years, Occu.- Service,
R/o.: Vasant Vihar, Satara Parisar,
Aurangabad.

... **Petitioners**

Versus

1. The State of Maharashtra
(Through Police Station M.I.D.C. Paithan)
2. Sangita W/o Vinayak Waikhinde
Age:32 Years, Occu.- Household,
R/o.: Bhrahmangaon, Tq. Kopargaon,
Dist. Ahmednagar,
At Present R/o. Nath Agro Company,
Plot No.B-44, M.I.D.C. Paithan,
Tq. Paithan, Dist. Aurangabad.

... **Respondents**

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Mr. N.S. Ghanekar and Ambar S. Barlota, Advocates for the Petitioners.
Mr. P.G. Borade, A.P.P. for respondent-State.
Mr. S.A. Ambilwade, Advocate for respondent no.2.

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**CORAM : T.V. NALAWADE &
MANGESH S. PATIL, JJ.**
DATE : 20.03.2019

JUDGMENT :- (*Per: Mangesh S. Patil, J.*)

Heard. Rule. Rule is made returnable forthwith. Learned A.P.P. waives service for the respondent no.1. At the request of both the sides the matter is heard finally at the stage of admission.

2. The petitioners are seeking quashment of the F.I.R. in Crime No.139 of 2018 registered with M.I.D.C. Police Station, Paithan, District Aurangabad for the offences punishable under Section 306, 34 of the Indian Penal Code and Section 3 (i) (r), (s), (u) and Section 3 (ii) (v) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 2015 registered on the basis of the complaint filed by the respondent no.2.

3. The allegations in the F.I.R. are to the effect that the deceased was the husband of the respondent no.2. He was serving as a Fitter in Fainger Leser Valves Company Private Limited at Paithan. The petitioner no.1 is the Manager (Human Resources), petitioner no.2 is an employee of the company working in the Human Resource Department, petitioner no.3 is the Chief Executive Officer and the petitioner no.4 is the Senior Manager (Production). She alleged that while the deceased was serving in the company the petitioners had persistently harassed him mentally and had threatened him of

removing from the employment. In doing so they had abused him touching his caste. Finally on 22.07.2017 they compelled him to resign from the job. Since thereafter he was continuously under mental stress. When he approached the petitioners demanding the experience certificate, they refused to issue any and again abused and insulted him. It is further alleged that he made several attempts to secure employment in various establishments. However, the petitioners saw to it that he did not get any employment. They also used to insult him while passing by. Ultimately, fed up with such persistent harassment meted out to him by the petitioners he hanged himself in a godown on 05.06.2018. He left behind a suicide note wherein he specifically alleged about the petitioners having refused to issue any experience certificate. Accordingly the F.I.R. was lodged on 07.06.2018 and the crime was registered.

4. The learned advocate for the petitioners vehemently submits that accepting the allegations at their face value and even accepting the statement in the suicide note and the role attributed to the petitioners, all the necessary ingredients for constituting abetement under Section 107 of the I.P.C. cannot be made out. Accepting the allegations at their face value, the petitioners can only be blamed for initiating a departmental enquiry against him which had culminated in holding him guilty and by way of a settlement he had quit the job voluntarily by accepting one time compensation on 22.07.2017. Whereas

he committed suicide more than ten months thereafter. Therefore there is no nexus in the alleged quitting of the job and suicide. The petitioners' case is squarely covered by the categories laid down in the case of **State of Haryana and Ors. V/s. Bhajan Lal and Ors.; AIR 1992 SUPREME COURT 604** and the proceeding may be quashed.

5. The learned A.P.P. and the learned advocate for the respondent no.2 strongly oppose the petition. They submit that there is specific allegation in the suicide note wherein it has been mentioned that at least the petitioner nos. 1 and 2 had refused to deliver him documents and had led him to take the final step and therefore their such conduct which has driven him to commit suicide would constitute instigation.

6. We have carefully perused the papers including the suicide note. As is pointed out by the learned advocate for the petitioners, the respondent no.2 has no personal knowledge as to any harassment meted out to her husband by the petitioners. All that she has been alleging is that her husband was telling her about it. In turn, in the suicide note the deceased has merely stated that the petitioner nos. 1 and 2 were refusing to give back some documents. Accepting this statement to be true, still it falls too short to jump to a conclusion that by their such conduct the petitioner nos. 1 and 2 were intending that the deceased should take the final step.

7. On the contrary in the last portion he has specifically mentioned in the suicide note that the decision to end his life was solely his and no one should be blamed therefor. The blame should be attributed to him alone. Besides in the earlier portion he sounds apologetic about his conduct. He tried to come out of the difficulties but was not successful. Everyone had helped him still it was his fate that he was unable to develop skill. All these statements unequivocally show that there were several other factors which had led him to take the final call. Refusal by the petitioner nos. 1 and 2 to deliver documents, on the face of it can only be regarded as one of the very many factors which had cumulatively led him to commit suicide.

8. In view of such state of affairs, in our considered view the matter is squarely covered by Category nos. 1 and 3 from the case of **Bhajan Lal** (supra).

9. The writ petition is allowed. The rule is made absolute in terms of prayer clause-B.

[MANGESH S. PATIL, J.]

[T.V. NALAWADE, J.]