

**IN THE HIGH COURT AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD**

CRIMINAL APPLICATION NO. 2247 OF 2018

Umakant s/o. Virappa Honrao,
Age 60 years, Occu. Business,
R/o. Muktai Nagar, Latur,
Tq. & Dist. Latur.

....Applicant.

Versus

1. The State of Maharashtra,
Through the Police Officer,
Shivaji Nagar Police Station,
Latur, Tq. & Dist. Latur.
2. Mubarak s/o. Mohammad Bargil,
Age Major, Occu. Business,
R/o. Wadgaon, Tq. Hatkalangale,
Dist. Kolhapur.

....Respondents.

Mr. S.A. Nagarsoge h/f. Mr. Anand Chawre, Advocate for applicant.

Mr. S.B. Joshi, APP for respondent/State.

Mr. Inamdar Khaja Akramoddin h/f. Mr. S.S. Kazi, Advocate for respondent No. 2.

**CORAM : T.V. NALAWADE AND
MANGESH S. PATIL, JJ.**
DATED : 19/03/2019.

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

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

2) Relief is claimed for quashing of F.I.R. No. 187/2018 registered with Shivaji Nagar Police Station, Latur for offences

punishable under section 305 r/w. 34 of Indian Penal Code. The crime is registered on the basis of report given by one Mubarak Bargir, father of the deceased. The deceased had taken admission in 11th standard in the year 2017 in Junior College which is managed by the present applicant. Two incidents took place in respect of the deceased girl. In February 2018, the girl first attempted to commit suicide by cutting vein of the wrist, but she was saved. On that occasion, undertaking was obtained from her to behave well as she was living in hostel which is under the management of the present applicant. The girl had disclosed that there was her affair with a boy and undertaking of that boy was also obtained to the effect that he would behave properly. Then again on 17.7.2018 the girl contacted the father and disclosed that something was obtained in writing from her. On that occasion she had attempted to commit suicide by jumping from the fourth floor of terrace of the hostel. She was admitted in the hospital. It appears that she died in the second incident.

3) The papers of investigation show that there is the record like undertaking obtained from the girl and the aforesaid boy. There is some record showing that they were meeting

outside of campus of college and hostel and she was leaving the premises of hostel without taking prior permission. Due to that, she was questioned as she was not following the discipline. She had given undertaking time and again. It appears that due to the aforesaid affair, such step was taken by the girl.

4) This Court has carefully gone through the allegations made against the present applicant in the F.I.R. Even if they are believed as they are, inference of abetment cannot be drawn. In view of these circumstances, this Court holds that relief needs to be granted to the applicant. Learned counsel Shri. Inamdar holding for Shri. Kazi for respondent No. 2 placed reliance on the case reported as **(2014) 3 SCC 383 [Bhaskar Lal Sharma and Anr. Vs. Monica and Ors.]**. The facts and circumstances of each and every case are always different. In the result, the application is allowed. Relief is granted to the applicant in terms of prayer clause 'C'.

Rule is made absolute in those terms.

[MANGESH S. PATIL, J.]

[T.V. NALAWADE, J.]

ssc/