

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

CRIMINAL APPLICATION NO. 2398 OF 2018

1. Namdeo Bhagwanrao Karande,
Age: 65 years, Occu. Retired,
R/o: Village Salwa, Tq. Kalamnuri,
Dist. Hingoli,
At present R/o Aniket Nagar,
Malegaon Road, Nanded.
2. Vijay S/o Namdeo Karande,
Age: 30 years, Occu. Agril.,
R/o : As above.
3. Sanjay S/o Namdeo Karande,
Age- 28 years, Occ. Agril.,
R/o: As above.
4. Usha W/o Vinayak Kadam,
Age – 32 years, Occ. Teacher,
R/o – As above.

....APPLICANTS

VERSUS

1. The State of Maharashtra,
Through Police Station Officer,
Police Station Bhagya Nagar,
Nanded.
2. Kisanrao S/o Hausaji Kadam,
Age: 60 years, Occu. Education,
R/o Bhisji, Tq. Kinvat, via
Islampur, Dist. Nanded.

...RESPONDENTS

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Mr. Gajanan G. Kadam, Advocate for applicants.
Mr. D.R. Kale, APP for respondent No. 1
Mr. H.I. Pathan, Advocate for respondent No. 2

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

DATED : 10th JULY, 2019.

ORAL JUDGMENT : (PER : T.V. NALAWADE, J.)

1. Rule. Rule made returnable forthwith. Heard finally, with
consent of learned counsel for parties.

2. Present proceeding is filed for relief of quashing the Charge-sheet No. 178 of 2018 filed by Bhagyanagar Police Station, Nanded, District Nanded in Crime No. 207 of 2018 for the offence punishable under Sections 306 read with section 34 of the Indian Penal Code.

3. Both sides are heard.

4. The deceased was son of first informant. The present applicants are wife, father-in-law and brother-in-laws of deceased. In First Information Report the allegations are made that the deceased was disturbed as amount of Rs. 2.50 lakhs, which was given by him to applicant No. 1 Namdeo was not returned. When the deceased had gone to applicant No. 1 to demand the amount, he was severely beaten by applicants. It is contended that about such incident of assault and harassment the deceased had informed to his friend and relatives like Balaji etc. The deceased committed suicide on the night of 02-07-2018 to 03-07-2018 in rented room in Nanded town.

5. This Court carefully gone through the record of investigation. Learned APP submits that there is record to show that prior to committing suicide the deceased had contacted his friend on mobile and had disclosed about harassment on the part of applicants and he had expressed that he is intending to commit suicide. If there was really conversation, the relatives would have taken steps immediately to see such steps are not taken by the deceased. The papers of investigation show that only when applicants informed that the deceased had committed suicide, thereafter, the first informant came to know that the deceased had committed suicide.

6. The papers of investigation show that viscera was sent to CA as the Police suspected that the deceased was heavily drunken. The CA report shows that blood contained 98 milligram of Ethyl alcohol per 100 milliliters the deceased was heavily drunk. There is statement of landlord of the deceased showing that the deceased alone was present in the house and door of his room was closed from inside. When he pipped into the room from window, he noticed the incident and he called others. In view of aforesaid circumstances, there is no possibility that suicide note was left but it was made to disappear by anybody.

7. In view of aforesaid circumstances, this Court holds that it will be abuse of process of law if the applicants are directed to face the trial in the present case. The relief needs to be granted in favour of the applicants. Accordingly, Criminal Application is allowed in terms of prayer clauses "C and C-1."

8. Rule is made absolute in above terms. No order as to costs.

Sd/-

[K. K. SONAWANE]
JUDGE

Sd/-

[T.V. NALAWADE]
JUDGE

MTK.