

THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

CRIMINAL APPLICATION NO. 2935 OF 2019

- 1] Datta S/o Raibhan Jadhav,
Age: 37 years, Occ: Labour,
R/o. At Post: Chuncha, Tq. Kalamnuri,
Dist. Hingoli.
- 2] Chandrakalabai W/o Datta Jadhav,
Age 35 years, Occu: Housewife,
R/o. At Post: Chuncha, Tq. Kalamnuri,
Dist. Hingoli.
- 3] Nanarao @ Balu S/o Umrao Pawar,
Age: 35 years, Occu: Labour,
R/o. [Permanent] At Post: Chuncha,
Tq. Kalamnuri, Dist. Hingoli.
At present- Navapada, Nagaon,
Tq. Alibagh, Dist. Raigad.
- 4] Kundlik s/o Umrao Pawar,
Age: 32 years, Occu: Labour,
R/o. At Post: Chuncha,
Tq. Kalamnuri, Dist. Hingoli.
- 5] Bhimrao S/o Parasram Mohite,
Age: 66 years, Occu: Labour,
R/o. At Post: Chuncha,
Tq. Kalamnuri, Dist. Hingoli.
- 6] Ajay S/o Datta Jadhav,
Age: 20 years, Occu: Education,
R/o. At Post: Chuncha,
Tq. Kalamnuri, Dist. Hingoli.
At present- Navapada, Nagaon,
Tq. Alibagh, Dist. Raigad.

... APPLICANTS

VERSUS

- 1] The State of Maharashtra,
Through Police Inspector,
Police Station, Akhada Balapur,
Tq. Kalamnuri, Dist. Hingoli.
- 2] Sanjay S/o Dattarao Mohite,
Age: 22 years, Occu: Business,
R/o. At Post: Chuncha,
Tq. Kalamnuri, Dist. Hingoli.

... **RESPONDENTS**
[Resp. No. 2 – Orig. Complainant]

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Mr. Dhananjay A. Mane, Advocate for Applicants.
Mr. D. R. Kale, APP for Respondent No.1 / State.
Mr. J. M. Wagh, Advocate for Respondent No.2

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CORAM : **T. V. NALAWADE &
S. M. GAVHANE, JJ.**

DATE : 29th November, 2019.

JUDGMENT: (Per T. V. Nalawade, J.)

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

2 The proceeding is filed for relief of quashing of FIR No.328 of 2019, registered with Akhada Balapur Police Station, Tahsil Kalamnuri, District Hingoli, for the offences punishable under Sections 306, 504 and 506 read with 34 of the Indian Penal Code.

3 The crime is registered on the basis of report given by Respondent No.2 (Sanjay Mohite). In the FIR dated 16th August, 2019, the informant (brother of deceased Anita), has contended that due to harassment given to Anita by the present Applicants, Anita committed suicide by hanging herself. The police papers and the submissions made show that Anita was widow. She has left behind three issues. After the death of the husband, Anita had shifted to the village of informant. In that village, one young girl aged about 16 years, had eloped with another young boy. Marriage of the said girl was already settled with other person. Somehow they were traced and the girl was brought back. The Applicants are the relatives of the said girl. As in the village, a decision was taken not to give report, the report about eloping of the girl and the involvement of deceased, Anita in that incident was not given.

4 On 13th August, 2019, in the morning, Applicants Balu, Kundlik, Bhimrao and Ajay came in front of the house of informant where the deceased was living and they said that due to conduct of Anita, they would take steps to see that she was asked to leave the village. On 14th August, 2019, Applicants Datta and Chandrakalabai again came to their house and they made allegations that Anita had

hand in the eloping of aforesaid girl. On the same day at about 02:00 pm, one Karan (son of Applicant No.1) again came in front of their house and said that due to the conduct of Anita, the marriage, which was settled of aforesaid girl, was broken. On 15th August, 2019, Anita committed suicide at about 12:00 noon and the report came to be given on 16th August, 2019.

5 The papers of investigation show that statement of aforesaid girl came to be recorded. The statement shows that the deceased had hand in the incident of eloping. It is the deceased, who had convinced the aforesaid girl to leave the village and go with the boy. She had convinced the girl that the boy to whom she was to be given in marriage, was black in complexion and it was not desirable to marry with the said boy. Anita had given money to them. They eloped on the day when there was engagement ceremony. They left the village on 12th August, 2019. They were traced on 14th August, 2019 and Anita committed suicide on 15th August, 2019.

6 Even when the aforesaid circumstances are accepted as they are, it cannot be said that there was intention of the Applicants to abet the suicide of the deceased. It can be said that they had avoided to give report with the hope that the incident will not affect the future of

the aforesaid girl. However, they had made inquiry with Anita about her conduct. She had even given money to the boy and the girl for enabling them to leave the village and to elope. In such cases, people put blame on woman like deceased and she may have developed guilty feeling. Though it is unfortunate, but the deceased committed suicide only due to the aforesaid incident. The police papers show that she had hand in the incident in which the girl eloped with the boy. Due to these circumstances, this Court holds that it will be abuse of process of law if the Applicants, who are relatives of the aforesaid girl, are made to face the trial for aforesaid offences. In the result, the following order is passed:

ORDER

- I. The application is allowed.
- II. Relief is granted in terms of prayer clause (B).
- III. Rule is made absolute in those terms.

[S. M. GAVHANE, J.]

[T. V. NALAWADE, J.]