

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

CRIMINAL APPLICATION NO. 2678 OF 2018

1. Sanjay s/o Murlidhar Bansal,
Age 55 years, Occ. Business,
R/o. Plot No. 2, S F N-5, near
Bajrang Chowk, CIDCO,
Aurangabad.
 2. Anil s/o Jagannath Shedge,
Age 39 years, Occ. Service,
R/o. 80/1, Sai Residency,
Row House No. 4, Sudarshan
Nagar, Deolai, Aurangabad.
- ... **Applicants.**

VERSUS.

1. The State of Maharashtra.
Through Sillegaon Police Station
Aurangabad.
 2. Kalpana s/o Dada Dhotre,
Age 38 years, occ. Household,
R/o. Katepimpalgaon, Tq.
Gangapur, Dist. Aurangabad.
- ... **Respondents.**

...

Mr. Ghanekar Nilesh S. Advocate for the applicants.
Mr. M.M. Nerlikar, APP for the respondent No. 1.
Mr. N.A. Matkar, Advocate for respondent No. 2.

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

DATE : 01.04.2019

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

1. Rule. Rule is made returnable forthwith. Heard both the sides.
With the consent of both the parties the matter is taken up for final hearing
at the stage of admission.

2. The proceeding is filed for relief of quashing of F.I.R. No. 146/2018 registered with Sillegaon Police Station, District Aurangabad, for the offences punishable under section 306 read with section 34 of the Indian Penal Code. The Crime is registered on the basis of report given by one Kalpana Dhotre, widow of deceased. Present applicants are the dealers in two wheelers of Bajaj Company. The deceased was a sub-dealer appointed by the applicants for village Katepimpalgaon. On 16.07.2018 the deceased committed suicide by hanging himself. In the report dated 19.07.2018 the widow complained that the dealer owed an amount of Rs. 38.04 lakh in respect of the commission and as the dealer was not giving the commission amount and the deceased was being harassed. The allegations were also made against others also by saying that some amount was taken from the persons like Karbhari, Nighote and they were harassing for return of money. One so-called suicide note which was typed matter was produced before police in support of the allegations that the deceased had blamed the applicants for his suicide.

3. The submissions made show that during investigation the widow made one more statement saying that she was not sure that the deceased had left behind the suicide note and she virtually retracted from the allegations made in the F.I.R. On the other hand the learned counsel for the applicant took this Court through the record like the admission of the deceased to the effect that he had not given the commission to the dealer in respect of the business and for making part payment he had given some post dated

cheques. In view of the allegations it is not possible to draw inference that the applicants had abetted suicide. Nothing can be achieved by allowing the State to file case and asking the applicants to face trial of the case. It would be misuse of process of law.

4. In the result, application is allowed.

5. Relief is granted in terms of prayer clause 'B'. Rule is made absolute in those terms.

(MANGESH S. PATIL, J.)

(T.V. NALAWADE, J.)

mkd