

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 2869 OF 2018

1. Bhagwan Sheshrao Nakhate
Age : 44 Years, Occ. Service,
2. Krushna Bhagwan Nakhate
Age : 23 Years, Occ. Education,
3. Mukesh Bhagwan Nakhate
Age : 21 Years, Occ. Education
4. Manoj Bhagwan Nakhate
Age : 19 Years, Occ. Education

All resident of Abhinavnagar, Kandhar,
Tq. Kandhar, Dist. Nanded

... APPLICANTS

VERSUS

1. The State of Maharashtra
2. Jaiwant Ananda Kothe
Age : 34 Years, Occ. Carpenter
R/o. Gaikwad Galli, Kandhar,
Tq. Kandhar, Dist. Nanded

..RESPONDENTS

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Advocate for Applicants : Mr. S. S. Jadhav
APP for Respondents: Mrs. V. S. Chaudhary
Advocate for respondent No.2 : Mr. G.R. Ingole

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CORAM :T.V. NALWADE AND
K.K. SONAWANE ,JJ.
DATE : 9th JULY, 2019.

JUDGMENT(PER T.V. NALWADE, 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. 220/2018 registered with Kandhar Police Station, District Nanded for the offence punishable under Section 306, read with Section 34 of the Indian Penal Code. The FIR is given by Jaiwant Ananda Kothe brother of deceased Ravikumar. The incident in question took place on 03.08.2018. In the early hours of that day they noticed that Ravikumar had committed suicide by hanging himself by using the tree in the field. About three months prior to date of this incident report was given against Ravikumar by Shivaji Ramchandra Wadje that he had suspicion against Ravikumar that Ravikumar had kidnapped his minor daughter, crime was registered at C.R. No. 32/2018 against Ravikumar for the offence punishable under Section 363 of the Indian Penal Code and due to that Ravikumar was under tension and he was in disturbed condition. It is contention of the first informant Jaiwant that due to registration of that crime (C.R.) which was apparently false the deceased committed suicide by hanging himself. It is contended that the present applicants are relatives of Shivaji Wadje and so they are also responsible for suicide of Ravikumar.

3. This Court has seen papers of investigation of both the C.R. In Crime Register No. 132 of 2018 there was only statement of Shivaji Wadje expressing aforesaid suspicion against Ravikumar. There is statement of his daughter showing that out of anger and due to quarrel

with the mother he had left the house and she had gone to her maternal uncle. The record of that case does not show that present applicants were involved in any manner in making that accusation against Ravikumar. Further, Ravikumar has not left behind suicide note. In view of all these circumstances, this Court holds that it is not desirable to ask the applicants to face the trial for aforesaid offences, if the case is filed against them. It will be abuse of process of law. In the result, the application is allowed. Relief is granted in terms of prayer clause 'B' Rule made absolute in those terms.

[K.K. SONAWANE]
JUDGE

[T.V. NALAWADE]
JUDGE

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