

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

**CRIMINAL WRIT PETITION NO. 1491 OF 2018**

Sunita Jyotiba Pawar,  
Age 35 years, Occu. Service,  
R/o. Ward No. 1, Shrirampur,  
Tq. Shrirampur, Dist. Ahmednagar.

**....Petitioner.**

**Versus**

1. The State of Maharashtra
2. Dhondiba Tolaram Pawar,  
Age 64 years, Occu. Agri.,  
R/o. Opposite Building No. 2,  
Bharat Nagar, Toklimiya Road,  
Rahuri, Tq. Rahuri,  
Dist. Ahmednagar.

**....Respondents.**

Mr. V.R. Dhorde, Advocate for petitioner.

Mr. M.M. Nerlikar, APP for respondent No. 1/State.

Mr. V.V. Tarde, Advocate for respondent No. 2.

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

**DATED : 03/07/2019.**

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

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

2) The petition is filed for relief of quashing of F.I.R. No. 224/2018 registered with Shrirampur Police Station, District Ahmednagar for the offence punishable under section 306 of Indian

Penal Code. Relief of quashing of the case bearing RCC No. 278/2018, presently pending in the Court of Sessions, Shrirampur is also claimed.

3) The crime is registered on the basis of report given by one Dhondiba Pawar. Deceased Jyotiba was his elder son. Present petitioner is the widow of Jyotiba. Their marriage had taken place in the year 2005 and they have two issues. Submissions made show that elder issue was aged about 11 years at the relevant time.

4) Immediately after the marriage the present petitioner got job of Shikshan Sevak and she joined at Padegaon Primary School, Shrirampur. They were living together at Padegaon and the deceased was taking tuitions at Pune. He was visiting Padegaon on holidays. He got job in the year 2008 in school from Zilla Parishad Nanded as Shikshan Sevak. He was appointed in the school from Takalibhan from Tahsil Shrirampur and then he was transferred to school from Kopargaon.

5) The informant has made allegations that when the deceased was living in Kopargaon, he met with an accident and he sustained fracture injury to his right thigh. He has made allegations that when he was under treatment, present petitioner was harassing

him and she was even assaulting him by using crutches.

6) Allegations are made by the first informant that in Shrirampur City, petitioner and deceased had purchased one flat by taking loan and the deceased was paying installments of the loan amount. It is contended that deceased had purchased a scooty vehicle for petitioner by taking loan and he was paying the installments of that loan also. It is contended that as take home salary of deceased was meager, the petitioner was teasing him by saying that he was making more income. The informant has contended that due to aforesaid circumstances and as the petitioner was taking even the take home salary of deceased, the deceased was required to take money from petitioner and on every occasion, the petitioner was harassing him. It is contended that when the mother of deceased was sick, the petitioner had spent for the treatment and on that count also, she was teasing the deceased. For some time after the death of wife, the first informant had lived in the house of petitioner where Jyotiba was also living and according to him, he had noticed that the petitioner was teasing the deceased. It is his contention that the petitioner was taking suspicion that the deceased had extra marital affairs. It is his contention that in March 2018 he was virtually driven out of the house by the petitioner and then he returned to his native place.

7) It is the contention of the first informant that in May 2018 there was some function in the house of parents of petitioner and on 13.5.2018 the petitioner had picked up quarrel with the deceased and due to that, complaint was given by the deceased against the petitioner and N.C. was registered for the offences punishable under sections 504 and 506 of IPC against the petitioner. It is contended that after that incident, the deceased had expressed to his brother that the petitioner was not giving him meals and she was not preparing meals and he was required to cook for himself. On 30.6.2016 the deceased committed suicide by hanging himself in the house where he was living with the present petitioner. At 6.00 a.m. the incident was noticed. As the door of the bed room where the incident had taken place was locked from inside by the deceased and he was not opening the door, the petitioner gave calls to the neighbours and then police were called and police broke open the door and noticed the dead body which was hanging in the bed room.

8) When the incident took place on 30.6.2018, the F.I.R. came to be given on 10.7.2018. This Court has carefully gone through the record of investigation. The neighbours of deceased of the place where he was cohabiting with the petitioner have not given the reason like harassment for the suicide. On the contrary, the

record shows that the deceased used to return home after consuming liquor and due to that on some occasions, there used to be quarrels. In the F.I.R. itself, it is mentioned that the deceased was not getting good amount as take home salary. Even when there are two issues and one issue is probably aged about 11 years, the police have not recorded statement of that issue. That issue could have supplied information about the relationship between the petitioner and the deceased and the reason for the suicide. Only the relatives on parent's side of the deceased have made allegations against the petitioner of aforesaid nature.

9) The circumstance that few days prior to the date of incident, the deceased had given report against the petitioner and on that basis, N.C. was registered shows that the deceased would have definitely blamed the petitioner if the petitioner was reason behind his suicide. He did not leave behind any suicide note. There can be many reasons for committing suicide by a man. The reason of frequent quarrels may be such reason. Wife was preventing the deceased from drinking liquor can also be the reason. It cannot be believed that by quarreling with the deceased, the petitioner was compelling him to commit suicide. No such intention can be gathered from the allegations made against her. In view of the aforesaid circumstances, this Court holds that nothing can be achieved by

asking the petitioner to face the trial for offence punishable under section 306 of IPC. In the result, the petition is allowed. Relief is granted in terms of prayer clause 'B' and BB. Rule is made absolute in those terms.

[ K.K. SONAWANE, J.]

[T.V. NALAWADE, J.]

ssc/