

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

CRIMINAL WRIT PETITION NO.1586 OF 2018

Narayan s/o. Tatyarao Panchal,
Age 41 years, Occu. Agri. and Labour,
R/o. At Borgaon, Post Adgaon,
Taluka Loha, District Nanded.

Petitioner
(Original
accused)

VERSUS

1 The State of Maharashtra

2 Shivnanda w/o. Ganesh Panchal,
Age 30 years, Occu. Household,
R/o. At Borgaon, Post Adgaon,
Taluka Loha, District Nanded.

Respondents
(Original
complainant)

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Mr. Pravin S. Dighe, learned counsel for Petitioner.
Mr. K. S. Patil, learned APP for Respondent No.1 :
Mr. Vaibhav B. Dhage, learned counsel for Respondent No.2.

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

DATED : 28th JUNE, 2019.

ORAL JUDGMENT :-

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

Rule. Rule made returnable forthwith. Heard finally, with consent of learned counsels appearing for the parties.

2. The proceeding is filed for quashing and setting aside the case / First Information Report bearing Crime Registration No. 125 of 2018 registered with Loha Police Station on 08-08-2018, for the offence punishable under Section 306 of the Indian Penal Code against the petitioner.

3. The crime is registered on the basis of report given by respondent No.2 - original complainant Shivnanda w/o. Ganesh Panchal. It is contended in the report that prior to eight years, complainant married with Ganesh Panchal. Out of the wedlock, she begotten son and daughter. Her husband alongwith his other brothers were residing jointly. At that time, land admeasuring 37 Gunthas from Gut No. 190 was purchased by her father-in-law in the name of petitioner. Subsequently, her husband alongwith petitioner started residing separately from her in-laws. The widow was living at her parental home at the relevant time and incident-in-question took place on 23-07-2018 in the house of deceased. Present petitioner is having two brothers including deceased Ganesh. Even after the death of parents, Narayan had not partitioned the said property amongst brothers. It is contention of the widow that due to harassmt of petitioner Narayan and as Narayan refused to give share in the land and plot, deceased Ganesh committed suicide, and for that, deceased widow blamed petitioner - Narayan for the aforesaid offence.

4. This Court has seen the record of police which include the Accidental Death Report on 23-07-2018. In the AD Report itself it is mentioned that, the deceased was addicted to liquor and after consuming liquor he committed suicide by hanging himself. The statements of witnesses recorded show that Narayan was not giving share to the deceased and that was one of the reason for suicide. Learned counsel for first informant drew attention of this Court to complaints dated 30-11-2016 and 23-06-2017 filed by brother Digambar, Balaji and deceased Ganesh with Police in respect of not giving share in agricultural produce, partitioning the share in land and

harassing them as well as giving threats of life.

5. In view of the aforesaid circumstances, and even if the contentions of respondent No.2 first informant are accepted as they are, it can not be said that petitioner Narayan abetted the suicide committed by deceased. This Court holds that nothing can be achieved, if Narayan is asked to face the trial for the offence punishable under Section 306 of IPC. The relief needs to be granted in favour of the applicant by quashing the case itself.

6. Accordingly, Writ Petition is allowed in terms of prayer clause 'B'. Rule is made absolute in those terms.

[K. K. SONAWANE]
JUDGE

[T.V. NALAWADE]
JUDGE

rrd.