

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

CRIMINAL APPLICATION NO. 3353 OF 2018

1. Vitthal s/o. Kheloji Shinde,
Age 55 years, Occu. Pensioner,
R/o. Vishnupuri, Nevi Abadi,
Nanded, Tq. & Dist. Nanded.
2. Shivraj s/o. Vitthal Shinde,
Age 27 years, Occu. Service,
R/o. Vishnupuri, Navi Abadi,
Nanded, Tq. & Dist. Nanded.
at present R/o. Balaghat (M.P.)

....Applicants.

Versus

1. The State of Maharashtra
Through Police Inspector
Police Station, Sonkhed,
Tq. Loha, Dist. Nanded.
2. Renuka w/o. Laxman Shinde,
Age 26 years, Occu. Household,
R/o. Harbal, Tq. Loha,
Dist. Nanded.

....Respondents.

Mr. V.S. Panpatte, Advocate for applicants.

Mr. D.R. Kale, Advocate for respondent No. 1.

Mr. V.B. Dhage, Advocate for respondent No. 2.

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

DATED : 19/09/2019.

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

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

2) The present proceeding is filed for relief of quashing of

F.I.R. No. 125/2018 registered with Sonkhed Police Station, Tahsil Loha, District Nanded for offences punishable under sections 306, 341, 504, 506 and 34 of Indian Penal Code. The crime is registered on the basis of report given by respondent No. 2 Smt. Renuka. The deceased was her husband. In the village there is some open space in front of her house and they were using the open space for approaching the road. In June 2018 the applicants had picked up quarrel with the deceased by saying that the house belongs to them. They had fixed four poles on four sides of the house. As the poles were coming into their way they removed it. For that also, quarrel was picked up and threat of life was given. It is the contention of informant that this house was originally owned by her father in law, but the accused were saying that the house belongs to them. The accused used to call her husband infertile and due to that he used to remain in disturbed mental condition. He used to say that due to accused one day they will be required to vacate the house. The husband left home on 6.7.2018 at about 8.00 a.m. by saying that he was proceeding to the field. He had said while leaving that it was his last meeting with issue, daughter. At about 10.00 a.m. she learnt that her husband had consumed poison to commit suicide. Attempt was made to save his life by taking him to hospital, but to consumption of poison, throughout he was unconscious. When the incident took place on 6.7.2018, the F.I.R. came to be given on

21.8.2018.

3) In view of nature of dispute mentioned in the F.I.R., this Court had asked police to collect the record regarding the title of the house. The submissions made and the record show that house where the deceased was living belongs to his father and the open space belongs to Village Panchayat. Further, the deceased had already one daughter and nobody could have called him as infertile as his wife was pregnant second time at the relevant time.

4) If there was any quarrel between the applicants and the deceased of any kind, only due to the quarrel inference is not possible that the applicants had abated the deceased to commit the suicide. Further, there are circumstances like late giving of F.I.R. and so called incident had taken place in June. Due to all these circumstances, this Court holds that it will be abuse of process of law, if the applicants are asked to face the trial for aforesaid offences. In the result, the application is allowed. Relief is granted in terms of prayer clause 'A'. Rule made absolute in those terms.

[K.K. SONAWANE, J.]

[T.V. NALAWADE, J.]

ssc/