

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 3549 OF 2018

Akash S/o Balaji Kadam,
Age : 25 Years, Occ. Education,
R/o. Vaibhav Nagar, Taroda (Bk.)
Tq. Nanded Dist. Nanded .. APPLICANT

VERSUS

1. The State of Maharashtra
2. Vandana Vijay Kamble,
Age : 43 Years, Occ. Household,
R/o. Bodisatav Nagar,
Tq. & Dist. Nanded. ..RESPONDENTS

.....

Mr. P.P. More, Advocate h/f Mr. A. B. Shinde, Advocate for applicant.
Mr. P.G. Borade, Advocate for respondent No.1-State
Mr. M. V. Thorat, Advocate for respondent No.2.

....

**CORAM :T.V. NALWADE AND
MANGESH S. PATIL ,JJ.
DATE : 4th APRIL, 2019.**

ORAL 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. 262 of 2018, registered with Bhyagyanagar Police Station for the offence punishable under Sections 306 of the Indian Penal Code. The crime is registered on the basis of report given by mother of deceased. Deceased

was aged about 19 years and she was doing professional course (I-T-I).

In the F.I.R the mother has made allegations that she had seen the deceased having talk with somebody on her mobile phone but she used to say that she was having talk with her girl friend. About 4 to 5 days prior to date of the incident mother had noticed that the deceased was looking to be in tension and so she made enquiry with the deceased. Upon that the deceased disclosed that present applicant had given promise to her that he would marry with her and he had established physical relationship with her. She disclosed that she had become pregnant due to this relationship and due to that she was under tension. Mother tried to convince the deceased but ultimately on 10.08.2018, after attending the examination, when she lastly met the mother, she disclosed that she was not satisfied with performance of the examination and further the present applicant was refusing to marry with her and due to that she was sad. In the F.I.R allegations are made that deceased was crying but mother somehow convinced her that she should concentrate on other two papers on the next day. Mother left home for some work and when she returned in the evening she noticed that the door was closed from inside. By using force the door was opened and then they realized that the deceased has committed suicide by hanging herself. No suicide note was left. *Post Morem* was conducted but it showed that she was no pregnant.

3. On 10.08.2018, the uncle of the deceased gave report to the police about unnatural death and he expressed that he had no suspension against anybody. On 13.08.2018 the statement of the mother was recorded but in that statement she also did not express suspicion against anybody but she only handed over Mobile hand-set of the deceased to the police for making necessary enquiry.

4. There are statements of some friends of the deceased who were classmate and they said that the applicant used to come to the institution to meet the deceased and the deceased used to tell them that applicant was in love with her and he was harassing her.

5. Whatever mentioned in the FIR was not mentioned on 10th or 13th August 2018, by the family members of the deceased and first time in F.I.R the aforesaid allegations were made against the present applicant. The allegation that deceased had become pregnant from the applicant was found to be false but even after *post mortem* examination that kind of allegations is made in the F.I.R Even if material available is accepted as it is, it cannot be said that the present applicant had abetted the suicide of the deceased. There can be many reasons for suicide. Nothing can be achieved by asking the application to face the trial for such offence. This Court holds that this is fit case in which relief needs

to be given, in the result application is allowed. Relief is granted in terms of prayer clause 'B'. Rule made absolute in those terms.

[MAGESH S. PATIL]
JUDGE

[T.V. NALAWADE]
JUDGE

YSK/