

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

CRIMINAL WRIT PETITION NO. 1804 OF 2018

1. Ramesh s/o. Namdeo Patil,
Age 54 years, Occu. Business,
R/o. Anika Park, Infront of S.T.
Workshop, Panchawati, Peth Road,
Nashik.
2. Ajitsing s/o. Ramesh Patil,
Age 29 years, Occu. Business,
R/o. 3, Anika Park, Infront of S.T.
Workshop, Panchawati, Peth Road,
Nashik.
3. Smt. Snehal w/o. Manoj Patil,
Age 27 years, Occu. Household,
R/o. 3, Anika Park, Infront of S.T.
Workshop, Panchawati, Peth Road,
Nashik.
4. Murlidhar s/o. Kisan Patil,
Age 66 years, Occu. Agril.,
R/o. Keshar Nagar, In front of
Sai Baba Temple, Jamner Road,
Bhusawal, Dist. Jalgaon.

....Petitioners.

Versus

1. The State of Maharashtra,
Through Police Inspector,
Police Station, Jalgaon,
Tq. & Dist. Jalgaon.
2. Manoj s/o. Limba Patil,
Age 32 years, Occu. Service,
R/o. 226, Navi Peth Station
Road, Jalgaon, Dist. Jalgaon.

....Respondents.

Mr. J.M. Murkute, Advocate for petitioners.

Mr. S.B. Joshi, APP for respondent/State.

**CORAM : T.V. NALAWADE AND
MANGESH S. PATIL, JJ.**
DATED : 30/04/2019.

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

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

2. The proceeding is filed for relief of quashing of F.I.R. No. 122/2015 registered with City Police Station, Jalgaon for offences punishable under sections 306 r/w. 34 of Indian Penal Code and Sessions Case No. 44/2016, chargesheet filed in the said F.I.R. by police.

3. This Court has seen the papers of investigation. In papers of investigation, there is suicide note left behind by the father of the first informant. It appears that there was some matrimonial dispute between the first informant and his wife and there was attempt of settlement. The allegations are made that the wife and her relatives were not ready to settle the dispute and present petitioners were taking the lead in the matter. They were saying that they would teach the lesson to husband in the matter. As nothing materialized, the father of the first informant committed suicide by consuming poison. He has left behind the suicide note in which he

has blamed the present petitioners.

4. During arguments, the learned counsel for petitioners submitted that subsequently, the parties settled the dispute and the divorce by mutual consent is obtained. Copy of that decision is produced on record and it shows that the petition was presented on 24.3.2017 and it came to be decided on 4.9.2018. The suicide was committed on 7.8.2015.

5. The learned APP submitted that though the parties have settled the dispute, on the basis of suicide note, the Court can convict the petitioners. This contention cannot be accepted. For abetment of suicide the ingredients of section 107 of IPC needs to be proved. Allegations as they are, do not constitute both the abetment by instigation and abetment by intentional aid. It will be futile exercise if the petitioners are made to face the trial for the aforesaid offences. Due to all these circumstances, this Court holds that relief needs to be granted. In the result, the petition is allowed. Relief is granted in terms of prayer clauses 'C' and 'D'.

Rule is made absolute in those terms.

[MANGESH S. PATIL, J.]

[T.V. NALAWADE, J.]

ssc/