

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

WRIT PETITION NO.2718 OF 2017

Foram Ashok Patel @ Pokar ... Petitioner.
V/s.
State of Maharashtra & Anr. ... Respondents.

Mr.Satyavrat Joshi for the Petitioner.
Dr.F.R.Shaikh APP for the Respondent-State.

**CORAM : B. P. DHARMADHIKARI &
SMT. S.S. JADHAV, JJ.**

DATE : 21ST NOVEMBER, 2019.

P.C.:

1. Nobody for Respondent No.2 – complainant, though served.
2. The petitioner, now adult, has approached this Court with grievance of false implication. The contention is that on the date of alleged incident she was not 18 years of age.
3. Learned APP invited our attention to (1) suicide note brought by Respondent No.2 and (2) allegations disclosed therein. He submits that in suicide note deceased boy has clearly implicated the petitioner.
4. The deceased boy was about 22 years old and he has committed suicide by hanging at his residence. His funeral was performed on next date i.e. 26/4/2017. Thereafter Respondent No.2 claims that he learned about the fact of seizure of suicide note by police authorities. Hence he went to police station on 1/5/2017 and police then has shown to him photo-copy of suicide note.

5. If this story is correct as per contents of that photocopy in suicide note, the deceased has claimed that he had a fight with the petitioner and as she has cheated him, he was under pressure and disturbed. She also allegedly threatened him with police action.

6. The petitioner has denied all this. Aadhar card mentions that she is born in the year 1999 and as per school leaving certificate her date of birth is 30th June, 1999. Thus, on the date of suicide she was less than 18 years of age.

7. In this situation without observing anything over, we make Rule absolute in terms of prayer clause (a). Consequently, the proceedings arising out of said FIR are also quashed and set aside.

(SMT. S.S. JADHAV, J.)

(B.P. DHARMADHIKARI, J.)