

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL WRIT PETITION NO. 327 OF 2020

ROHIDAS S/O. RATAN JADHAV
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Ms. Asha S. Rasal, Advocate for Petitioner
Mr. A. V. Deshmukh, APP for Respondent No.1
...

**CORAM : T. V. NALAWADE AND
M.G. SEWLIKAR, JJ.**

DATE : 3rd DECEMBER, 2020

ORDER :

Present petition is filed for direction against respondents No. 1 and 2 to register the crime against respondents No. 3 to 5 for the offences punishable under Sections 307, 302, 201 read with Section 34 of Indian Penal Code (IPC). Notice was issued of the present matter only as against respondent No. 1 to see the papers of investigation. Police papers were made available including AD Report and inquiry made into AD. Heard both the sides.

2. It is the contention of petitioner, who is father of deceased girl that on 15-01-2020, at about 4.00 p.m., when he was present with his wife and parents at home, his daughter Kavita, who had gone to field, came running towards his house. It is the contention of petitioner that when he made inquiry with Kavita, he noticed that she was frightened and she disclosed that Raju Jadhav and uncle Kakasaheb Balu Jadhav had together administered her poison forcibly. It is the contention of petitioner

that he shifted Kavita first on motorcycle and then in Jeep to GHATI Hospital Aurangabad. It is the contention that Doctor from GHATI hospital declared that Kavita was already dead. Though the incident took place on 15-01-2020, he gave complaint to the Commissioner of Police on 06-02-2020. It is the contention that on 16-01-2020 he himself had gone to Police Station to lodge report, but, his report was not accepted, so delay was caused.

3. The papers of investigation show that there is land dispute between family of the petitioner and persons against whom the allegations are made. There is copy of FIR given by Rohidas Jadhav, informant, against other side on 14-06-2019. On that basis, crime was registered for the offence under Section 324 read with Section 34 of IPC. In that report, nature of dispute is mentioned.

4. Police papers including MLC prepared by GHATI Hospital on 15-01-2020 itself show that present petitioner had taken Kavita to GHATI Hospital and on that day he had informed to the Doctor that Kavita had consumed poison. She was declared as dead at 19.10 hours in the hospital. Thus, initial disclosure was to the effect that she had consumed poison. The PM report shows that some ante-mortem injuries like abrasion were found on the dead body. The PM report shows that some substance having smell like that of insecticide was noticed in stomach. However, CA report in respect of viscera shows that no poison was detected in the viscera. CA report shows that some Turbid liquid was supplied in a plastic bottle and in that sodium chloride in water was detected. This circumstance shows that some treatment was given may be at home after consumption of insecticide.

5. Police made inquiry with neighbourers. Neighbourers had rushed to the house of petitioner and they had noticed that Kavita was unconscious. This circumstance create possibility that no disclosure was made by Kavita as contended by the petitioner in the complaint, which was given to the Superintendent of Police on 06-02-2020. This circumstance also shows that the explanation given by him that he had approached to Police already cannot be believed.

6. Police made inquiry to find out as to whether suspected persons were present at station at the relevant time and they found that the said persons were at distant places, other stations at the relevant time.

7. All the above circumstances show that due to some land dispute the petitioner is interested in taking action against respondents No.3 to 5 of the present matter. This Court holds that direction as prayed can not be given. In the result, the criminal writ petition stands dismissed.

Sd/-

[M.G. SEWLIKAR]
JUDGE

Sd/-

[T. V. NALAWADE]
JUDGE

MTK