

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
CRIMINAL APPLICATION NO. 2111 OF 2019

1. Vijay Dada Shelke,
Age : 55 Years, Occ. Service,
R/o. Village Wakadi, Tq. Rahata,
District Ahmednagar

2. Shivaji Sampat Bhalerao,
Age : 51 Years, Occ. Service,
R/o. Village Wadala Mahadev,
Taluka Shrirampur,
District Ahmednagar.

..APPLICANTS

VERSUS

1. The State of Maharashtra
Through In-charge Police
Officer, Shrirampur City
Police Station, Dist. Ahmednagar

2. Karbhari Balaji Sonwane,
Age : 78 Years, Occ. Pensioner,
R/o. Indira-nagar, Khandoba
Mandir Road, Shirasgaon,
Tal. Shrirampur, Dist. Ahmednagar.

..RESPONDENTS

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Advocate for the Applicants : Mr. K.M. Gadve Patil
A.P.P for Respondent-State : Mr. R. D. Sanap
Advocate for respondent No.2 : Mr. V.H. Dighe

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CORAM :T.V. NALWADE AND
M. G. SEWLIKAR,JJ.
DATE : 14.02.2020.

ORAL JUDGMENT(PER T.V. NALWADE, JJ) :-

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

2. Present proceeding is filed for relief of quashing of FIR No. 355/2019 registered with City Police station, Shrirampur District Ahmednagar for the offence punishable under Section 306 read with Section 34 of the Indian Penal Code and also for the quashing of the case filed in that C.R bearing No. R.C.C. 322 of 2019 pending in the Court of learned Judicial Magistrate, First class, Shrirampur. Pappers of investigations were made available. Paper of investigation include the A.D. report given by father of the deceased, copy of First Information Report and statement of Administrative Officer Shubhas Pawar. There is also a chit which can be used as a suicide note.

3. The deceased was working as in-charge Head Master of the School where the present applicants were working as teachers. She committed suicide by hanging herself on 14.5.2019 and she left behind a suicide note. In the suicide note, she has contended that un-necessarily the work of in charge Head Master was given to her when she was not desirous to accept that responsibility. She has contended that she was mentally disturbed lady and the present applicants who were colleagues were not maintaining the record properly. She has contended that due to the circumstances like not

maintaining record properly she was feeling harassed and due to that she had taken the decision of committing suicide. She further contended that there were some Bank Accounts but only Account books were with her and cheque book was not given to her.

4. The father gave A.D report on 14.5.2015 itself, and in the report he had informed that the deceased was mentally disturbed lady. She was living separate from her husband for many years and probably due to the disturbed mental condition she has committed suicide. On next day, he gave report on the basis of aforesaid suicide note.

5. Papers of investigation show that no action was taken by anybody against that School and on the contrary statement of administrative officer shows that there was no irregularity in the record of the School in respect of the Mid-day meal. It appears that she was mentally disturbed and she was suffering from Schizophrenia

6. The aforesaid circumstances show that it will not possible to prosecution to prove that present applicants who were colleagues of the deceased had intention to do the act like

abetment of suicide and they had done any act to see that she commits suicide. There was no reason for doing such act for the present applicants and there are aforesaid circumstances. This Court holds that even *prima facie* case for abetment of suicide is not made out from the record collected by the police. It will be unnecessary harassment to the applicants if they are asked to face the trial. In the result, following order :-

ORDER

- I. Application of the applicants is allowed.
- II. Relief is granted to them in terms of prayer clause 'B' and 'B1'.
- III. Rule made absolute in those terms.

(M.G.SEWLIKAR, J.)

(T.V. NALAWADE, J.)

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