

THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

CRIMINAL APPLICATION NO. 2664 OF 2019

1. Dayanand s/o Vikram Mane,
Age: 28 years, Occ. Certified Auditor,
R/o Borvati, Tq. & Dist. Latur.
2. Tukaram s/o Dnyoba Chauhan,
Age:- 48 years, Occ. Agri.,
R/o Vills Yeshwantwadi, Tq. Renapur,
Dist. Latur.
3. Prabhu @ Prabhakar s/o Dnyoba Chauhan,
Age: 52 years, Occ. Agri.,
R/o As above.
4. Shankar s/o Dnyoba Chauhan,
Age: 35 years, Occ. Agri.,
R/o As above.
5. Ashok s/o Vikram Mane,
Age:- 30 years, Occ. Certified Auditor,
R/o Borvati, Latur,
Tq. & Dist. Latur.
6. Shilawanti w/o Vikram Mane,
Age: 60 years, Occ. Grampanchayat
Sadasya, R/o Borvati, Latur,
Tq. & Dist. Latur.

... APPLICANTS

VERSUS

1. The State of Maharashtra,
Through the Police Officer,
Latur Gramin Police Station,
Latur, Tq. & Dist. Latur.
2. Mahesh s/o Ravan Mane,
Age: 26 years, Occ. Agri.,
R/o Borvati, Latur Gramin, Latur,
Tq. & Dist. Latur.

... RESPONDENTS

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Mr. P. P. More, Advocate for Petitioners.

Mr. R. D. Sanap, APP for Respondent No.1 / State.

Mr. N. b. Jadhav, Advocate for Respondent No.2.

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CORAM : T. V. NALAWADE &
M. G. SEWLIKAR, JJ.

DATE : 17th February, 2020.

JUDGMENT: (Per T. V. Nalawade, 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.84 of 2019, registered with Latur Gramin Police Station, District Latur, for the offences punishable under Sections 306 read with 34 of the Indian Penal Code.

3 The crime is registered on the basis of report given by Respondent No.2, Mahesh Mane. Deceased Bhalchandra was his uncle. The incident in question took place on 30th May, 2019. Bhalchandra committed suicide by hanging himself in his shade. Allegations are made that one incident had taken place on 24th May,

2019, in which some quarrel had taken place between the Applicants on one side and a relative of the informant on other. It is contended that deceased Bhalchandra, who was Sarpanch of the village, had gone there to settled the dispute, but FIR was given by Shilawanti Mane against Bhalchandra and others to police in respect of that incident and crime was registered against Bhalchandra and others. It is contended that due to registration of crime against Bhalchandra when he was not involved in the incident, Bhalchandra committed suicide. A copy of said FIR, FIR No.82 of 2019 is produced on record in which incident dated 24th May, 2019 is mentioned. Main allegations are made against Bhalchandra that he had given blow of axe on the head of informant, Shilawanti Mane. Due to the allegations made and other record, police registered the crime for the offences punishable under Sections 326, 452, 149 etc. of the Indian Penal Code.

4 In the present matter, it was submitted by the learned counsel for informant that the deceased has left behind suicide note and in the suicide note he has blamed the present Applicants for his suicide. Photocopy of the suicide note shows that the deceased admitted that he had gone there to intervene in the incident, but he has expressed grievance that when he had no concern with the quarrel, his name was taken in the FIR and that is why he was

committing the suicide. He has mentioned the names of Ashok Mane, Sitabai, Dayanand and all maternal uncles of Ashok Mane. In the FIR given in the present matter and dated 30th May, 2019, there is no mention of this suicide note. In any case, the reason that the crime was registered against Bhalchandra on the basis of report given by Shilawanti, present Applicant No.6, cannot be called as abetment of suicide of Bhalchandra. In view of the aforesaid circumstances, this Court holds that it will be abuse of process of law if all the Applicants are asked to face the trial for the offence of abetment of suicide. In the result, the following order is passed:

ORDER

- I. The application is allowed.
- II. Relief is granted in terms of prayer clause (C).
- III. Rule is made absolute in those terms.

[M. G. SEWLIKAR, J.]

[T. V. NALAWADE, J.]

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