

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD**

CRIMINAL APPLICATION NO. 170 OF 2020

Karan Dattarao Jadhav

...Applicant

Versus

1. The State of Maharashtra

2. Sanjay Dattarao Mohite

...Respondents

Advocate for Petitioner : Mr. D.A. Mane

APP for Respondent No. 1 : Mr. S.J. Salgare

Advocate for Respondent No. 2 : Mr. P.B. Rakhunde

**CORAM : V.K. JADHAV AND  
SANDIPKUMAR C. MORE, JJ.**

**DATE : 15.11.2021**

**Per Court :**

1. Heard both sides.

2. The present proceeding is filed for quashing of FIR bearing Crime No. 0328/2019 dated 16.08.2019 registered with Akhada Balapur Police Station, Taluka Kalamnuri, District Hingoli, for the offences punishable under Sections 306, 504, 506 read with 34 of the Indian Penal Code.

3. According to the applicant, the aforesaid crime is

registered on the basis of a report lodged by respondent No. 2 – Sanjay Mohite. It is alleged in the aforesaid FIR dated 16.08.2019, that due to harassment given to Anita i.e. the deceased by the present applicant and his relatives, she committed suicide by hanging herself. Anita was widow and left behind three children. Anita, after the death of her husband, shifted to village of respondent No. 2 and in the said village, the young girl about sixteen years had eloped with one another young boy. Marriage of that girl was already fixed with other person. However, somehow the said girl and the young boy were traced and that girl was brought back to her home. The applicant is the brother of young girl who had cursed deceased Anita on 14.08.2019 at about 02:00 p.m. for helping his sister to elope with that young boy. On the same day at about 08:00 a.m., the relatives of present applicant had also abused deceased Anita. Thereafter, it was revealed that on feeling sad by the abuses from the applicant and his relatives, Anita committed suicide on 15.08.2019.

4. The investigation papers indicate that the statement of young girl who had eloped has been recorded and upon perusal of the same, it is evident that deceased Anita had in fact

convinced that girl to elope with person or boy other than the person to whom her engagement was fixed. It further reveals that deceased had also told young girl that the boy with whom she was to be given in marriage was having dark complexion. Not only this but the deceased had also provided monetary help to the said girl and boy. It is significant to note that the young girl had eloped on the day of her engagement ceremony itself.

5. Thus, the investigation papers do show the involvement of deceased Anita in the incident of eloping. Furthermore, it has also revealed that the applicant and his relatives had abused and scolded deceased Anita for assisting the said young girl. However, it appears to be natural conduct of the applicant and his relatives, as they were unhappy about the assistance provided by the deceased Anita to the young girl. Though, the suicide committed by Anita was an unfortunate incident but she might have developed guilty feeling after getting scolding from applicant as well as his relatives and in that circumstances, in the weaker state of her mind, she committed suicide. Even if it is accepted that the deceased was involved in the incident and had also assisted the girl to elope with the boy, but it will be abuse of process of law if the applicant who is brother of that

girl, is made to face the trial for the aforesaid offences.

6. It is extremely important to note that the other co-accused who are the relatives of the present applicant had also filed Criminal Application No. 2935//2019, for quashing of FIR and this Court (Coram : T.V. Nalawade and S.M. Gavhane, JJ.) vide order dated 29.11.2019, had granted relief of quashing the aforesaid FIR in respect of them. It is important to note that the present applicant is having the similar role which was played by the other co-accused and the applicants in the aforesaid Criminal Application No. 2935/2019. Therefore, the same analogy will be applicable to the present applicant also. In view of the above discussion, we pass the following order :

**ORDER**

Criminal application is allowed in terms of prayer clause 'B'.

**( SANDIPKUMAR C. MORE, J. )**

**( V .K. JADHAV, J. )**