

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

CRIMINAL APPLICATION NO.1833 OF 2020

01 Rajesh s/o Kartarsing Dulgaj

02 Shubhan s/o Suresh Dulgaj

03 Sagar s/o Suresh Dulgaj

Applicants

Versus

01 The State of Maharashtra

02 Ravindra Rajendra Chawritya

Respondents

Mr. S. J. Salunke, advocate for the applicants

Mr. K. S. Patil, APP for Respondent No.1-State.

Mr. Sachin Panale, advocate for Respondent No.2.

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

DATE : 25th November, 2021.

PC :

By consent, application is heard finally at the stage of admission.

2 Applicants are seeking quashing of the First Information Report No.230/2018, registered with Paithan Police Station, District Aurangabad, for the offences punishable under Sections 306, 354-B, 323, 351, 504 read with Section 34 of the

Indian Penal Code. The applicants are also seeking quashing of the proceedings pending before the Additional Sessions Judge, Aurangabad.

3 The learned Counsel for the applicants submits that at present charge has been framed. The learned Counsel submits that though allegations have been made against applicant no.1-Rajesh about outraging modesty of the informant-deceased, however, allegations against applicants no.2 and 3 are only to the extent of offence punishable under Sections 323, 504 read with Section 34 of the Indian Penal Code. The learned Counsel submits that there is no evidence against the applicants that they have abetted commission of suicide by deceased Soni.

4 The learned Counsel for Respondent No.2 submits that charge is now framed and in view of the same, the trial has been commenced before the trial Court. The learned Counsel submits that the incident had taken place on 30.07.2018 at about 2.00 p.m. Deceased Soni and her family members went to the house of applicant no.1-Rajesh. Since last 10 years, applicant no.1-Rajesh was giving treatment of deceased Soni for headache. Deceased Soni entered the house of applicant no.1 Rajesh, while other family

members remained outside. At that time, applicant-Rajesh forced deceased Soni to remove her clothes. Deceased Soni raised hue and cry. Applicant Rajesh ran away from the back door and when the husband of deceased Soni tried to intervene in the matter, other accused persons extended him beating with the help of iron weapon. The learned Counsel submits that in consequence of the said incident, deceased Soni consumed rat killer liquid. She was immediately taken to Ghati Hospital, Aurangabad and she died there on 09.08.2018 while under treatment as an indoor patient. The learned Counsel submits that there is sufficient evidence against all the applicants. There is a triable case against them. The learned Counsel submits that there is no substance in the application and the same is liable to be rejected.

5 We have also heard the learned A.P.P., who submits that the application is liable to be rejected.

6 We have carefully gone through the contents of the complaint and also perused the charge sheet. In the incident that had taken place on 30.07.2018, deceased Soni, in consequence of the act of outraging her modesty by the applicant-Rajesh, immediately consumed the rat killer liquid. Thus, there is a

proximity of time in between the incident of outraging modesty and commission of suicide. The trial Court has commenced with the trial and as such, the trial Court has seized with the matter. In view of the same, we are not inclined to intervene.

7 Hence, following order:

8 Criminal Application is hereby dismissed.

(SANDIPKUMAR C. MORE)
JUDGE

(V.K.JADHAV)
JUDGE

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