

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

927 CRIMINAL WRIT PETITION NO. 1129 OF 2021

ASHOK S/O HARIBHAU BHITE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

.....
Advocate for Petitioner : Mr. Tarde Sambhaji B.
APP for Respondent-State : Mr. S. J. Salgare
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CORAM : V. K. JADHAV AND
SANDIPKUMAR. C. MORE, JJ.
DATED : 3rd DECEMBER, 2021

PER COURT:-

1. Heard finally with consent at admission stage.
2. The petitioner is the original informant in connection with FIR No. 130/2019 registered on 14.12.2019 with Ahmednagar Railway Police Station. The petitioner has lodged the complaint in respect of suicidal death of his wife. It has been alleged in the complaint that there were illicit sexual relations between his deceased wife and one Suryakant Baban Tagad. It has been further alleged in the complaint that said Suryakant Tagad had threatened the deceased about making their photographs in compromising position viral and in consequence thereof, she committed suicide. This petition is filed seeking directions to respondent nos.1 and 2 to set up necessary investigation

agency for making proper investigation in respect of crime no. 130 of 2019 or, in the alternate, directions to respondent no.5-Police Inspector, Ahmednagar Railway Police Station to take appropriate steps in the matter to complete the investigation and to file charge-sheet in connection with crime no. 130 of 2019.

3. Learned counsel for the petitioner submits that though the crime is registered in the year 2019, the investigation is still going on. There is no proper investigation in respect of the FIR and for such a long period, the Investigating Officer is not submitting charge-sheet against the accused. Learned counsel submits that necessary directions are required to be given to respondent nos.1 and 2 for transfer of the investigation or, in the alternate, to respondent no.5 to complete the investigation and to file charge-sheet.

4. Learned APP, on instructions from the Investigating Officer who is present in person before the Court and on the basis of the police papers, submits that it has been revealed during investigation that the present petitioner is also involved in the crime. Learned APP has pointed out from the police papers, particularly the statements of certain witnesses, that the petitioner himself has informed to the relatives and other persons about the illicit relations of deceased with

said Suryakant Tagal and therefore, deceased felt defamed. According to those witnesses, the deceased committed suicide on account of said defamation caused by her own husband (the petitioner herein). Learned APP, on instructions from the Investigating Officer, submits that mobile handsets of the deceased and the said accused came to be seized during the course of investigation and the same have been sent to the forensic lab at Ganeshkhind, Pune and the report is awaited. Learned APP submits that this petition has been filed with some oblique motive.

5. We have carefully gone through the contents of the complaint and also perused the police papers. It appears that though the petitioner has made allegations about illicit sexual relations of his wife with one Suryakant Tagad and that the said accused Suryakant Tagad had threatened his wife about making their photographs in compromising position viral and therefore, the petitioner's wife has committed suicide, however, on perusal of the papers it appears that some of the witnesses have also stated about the role prominently played by the petitioner herein. It appears that the witnesses from the parents' side of the deceased and also some independent witnesses have stated in their respective statements that the petitioner himself has informed about the said illicit relations to the relatives and other

villagers, and according to them, the deceased has committed suicide because of the said defamation. We find much substance in the submissions made on behalf of the State by the learned APP that this petition has been filed with some oblique motive. It appears that when the petitioner has noticed that there is likelihood of filing charge-sheet against him also, with some oblique motive, he has filed the present petition. In view of the same, this petition is liable to be dismissed. The petitioner is also required to be saddled with certain costs for filing such frivolous petition. Hence, we proceed to pass the following order:

ORDER

- I. The Criminal Writ Petition is hereby dismissed.
- II. The petitioner shall pay costs of Rs.25,000/- and deposit the same before this Court within two months from the date of this order.

(SANDIPKUMAR C. MORE, J.)

(V. K. JADHAV, J.)