

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.205 OF 2021

Rajendra Sampat Shirke & Anr. Petitioners
versus
State of Maharashtra & Anr. Respondents

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- Mr.Ganesh Bhujbal, Advocate for Petitioner.
- Ms.S.D. Shinde, APP for State/Respondent.

CORAM : NITIN JAMDAR &
SARANG V. KOTWAL, JJ.

DATE : 14 DECEMBER 2021

P.C. :

The Petitioner has invoked the extra-ordinary jurisdiction of this Court seeking the following relief :

“(a) This Hon’ble Court be pleased to quash and set aside the C.R.No.0455 of 2020 registered with Phaltan Rural Police Station, District Satara for the offences punishable u/s 306, 504, 506, 34 of I.P.C.”

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2. The FIR was lodged by the father of the deceased Sanket Shirke stating that Sanket committed suicide on 13 August 2020 by

hanging himself on an iron angle in a shed. Before committing suicide Sanket recorded a message on his cell phone that he is committing suicide because of the harassment, and attributed the harassment to the Petitioners. The FIR narrated that there were earlier incidents between the Petitioners and the family of the complainant and the Petitioners were threatening and harassing Sanket to withdraw this complaint filed and because of the tension and harassment Sanket committed suicide.

3. The learned counsel for the Petitioner submitted that recording of the message by Sanket is not sufficient to attract ingredients of Section 306. In this message as stated in the FIR, the names of the Petitioners may be in short form, but it is clearly in reference to the Petitioners. The fact that there were incidents before the suicide which involve Sanket and Petitioners, is not disputed in the argument. Therefore it cannot be said that this message does not establish the ingredients of Section 306. The learned counsel for the Petitioners then contended that one of the reason given in the FIR as to why Sanket committed suicide is that a false case was filed against him by the Petitioners and sought to argue that the case was not false as can be seen by the FIR lodged therein. This argument however overlooks that mere filing of the case is not the only reason given in the FIR, but that the continuous threatening and harassment by Petitioners to withdraw the case was alleged as one of the reasons.

The learned counsel for the Respondent No.2 submitted that just a week before the incident, a N.C. complaint was lodged against the Petitioners by the Respondent No.2 alleging harassment.

4. Considering that the FIR discloses a cognizable offence it cannot be said that exercise of extra-ordinary jurisdiction of this Court is warranted. It is also not possible in this limited jurisdiction to hold a mini trial deciding the merits of the earlier FIR lodged between the parties. To accept the arguments of the learned Counsel for the Petitioners we will have to assess the evidence and declare that the Petitioners are not guilty. Such is not the scope of this proceedings.

5. We may note here that after we have expressed that this may not be a case for quashing of the FIR and that the Petitioners have a remedy of applying for discharge, the learned counsel for the Petitioners sought time to take instructions whether to pursue the matter or apply for discharge and the matter was kept back. Upon instructions, the learned Counsel informed the Court that the Petitioners do not want to apply for discharge and will proceed with this Petition.

6. The Writ Petition is accordingly rejected.

(SARANG V. KOTWAL, J.)

(NITIN JAMDAR, J.)