

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT NAGPUR

CRIMINAL APPLICATION (APL) NO. 226 OF 2021

(PRASHANT MADHUSUDAN KAKAD & ANR...VS.. STATE OF MAH.THR.PSO PS GOREGAON, DIST.
GONDIA & ANR.)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri H.D.Marathe, Advocate for Applicants.
Ms Mayuri Deshmukh, A.P.P. for Non-applicant No.1/State.

CORAM : Z.A.HAQ & AMIT B. BORKAR, JJ.
DATED : FEBRUARY 09, 2021.

Heard.

2. The accused have filed this application under Section 482 of the Code of Criminal Procedure praying that the First Information Report registered against them with the non-applicant Police Station for the offences punishable under Sections 306, 406, 420 and 34 of the Indian Penal Code be quashed.

3. According to the informant, the victim committed suicide because of the mental pressure and harassment meted out to him by the applicants. A suicide note is also found by the Investigating Agency. According to the applicants, the incident took place on 9th November 2020, but the First Information Report came to be registered after a gap of about six weeks on 19th December 2020. The learned Advocate for the applicants further argued that the alleged suicide note is also said to be found after 4-5 days of the incident. The observations made by the Sessions Court while passing the order granting anticipatory bail to the applicants-accused are

also referred to contend that there is no *prima-facie* case against the applicants for registration of the First Information Report.

4. After hearing the learned Advocate for the applicants and the learned A.P.P. for the Investigating Agency and going through the contents of the First Information Report, we are of the view that in the facts of the case, it would not be appropriate for this Court to exercise jurisdiction under Section 482 of the Code of Criminal Procedure to abort the investigation when the investigation is at preliminary stage.

Hence, the Criminal Application is **dismissed**.

5. The applicants will be at liberty to move appropriate application before appropriate forum, if charge-sheet is filed against them.

(AMIT B. BORKAR, J)

(Z.A.HAQ, J.)