

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH: NAGPUR

CRIMINAL APPLICATION (APL) NO.317 OF 2014
WITH
CRIMINAL APPLICATION (APL) NO.412 OF 2014

CRIMINAL APPLICATION (APL) NO.317 OF 2014

1. Sau. Pushpa Kondu @ Dnyandev Dhengale,
Aged – 35 years, Occu.- Housewife,
R/o. Pardi (Tad), Tq.-Mangrulpir,
Dist. - Washim.
2. Kondu @ Dnyandev Atmaram Dhengale,
Aged – 42 years, Occu.- Agriculturist,
R/o. - Pardi (Tad), Tq. Mangrulpir,
Dist. - Washim.
3. Sau. Sheela Ganesh Ghodekar,
Aged – 30 years, Occu.- Housewife,
R/o. Chikhali, Tq. Mangrulpir,
Dist. - Washim.
4. Ganesh Kondojo Ghodekar,
Aged – 38 years, Occu.- Agriculturist,
R/o. Chikhali, Tq.- Mangrulpir,
Dist. - Washim.

... **APPLICANTS**

...V E R S U S...

1. State of Maharashtra through
Police Station Officer,
Police Station Mangrulpir,
Tq.- Mangrulpir, Dist.- Washim.
2. Eknath Laxman Falatkar,
Aged 56, R/o. Digras (Br),
Police Station Adhora, Dist.- Buldhana. ...

NON-APPLICANTS

WITH**CRIMINAL APPLICATION (APL) NO.412 OF 2014**

1. Mahadev @ Madhav Pundlik Masvadkar,
Aged – 32 years, Occu.- Student,
2. Kishor Pundlik Masvadkar,
Aged – 28 years, Occu.- Student,
3. Pundlik Govind Masvadkar
Aged – 60 years, Occu.- Agriculturist,
4. Sau. Kamal Pundlik Masvadkar
Aged – years, Occu.- Housewife,
All are R/o. Gogri, Tq.- Mangrulpir,
Dist. - Washim.

... **APPLICANTS****...VERSUS...**

1. State of Maharashtra through
Police Station Officer,
Police Station Mangrulpir,
Tq.- Mangrulpir, Dist.- Washim.
2. Eknath Laxman Falatkar,
Aged 56, R/o. Digras (Br),
Tq. Adhora, Dist.- Buldhana.

... **NON-APPLICANTS**

Ms. Mayuri Deshmukh, A.P.P. for the non-applicant No.1 in both applications.

Shri M. V. Rai, Advocate for the non-applicant No.2 in Criminal Application No.412/2014.

CORAM:- Z. A. HAQ AND
AMIT B. BORKAR, JJ.

DATED :- 04.01.2021

ORAL JUDGMENT (PER: AMIT B. BORKAR, J.) :-

1. Since both the applications impugn same First Information Report, we are disposing of both these applications by common judgment.

2. By these applications, the applicants have challenged the First Information Report No.42 of 2014 dated 25.02.2014 registered with the non-applicant No.1 – Police Station, registered at the instance of the non-applicant No.2, who is father of deceased Deepali.

3. The First Information Report No. 42 of 2014 came to be registered against the applicants in both the applications on 25.02.2014. It has been alleged in the First Information Report that the applicants have harassed deceased Deepali on the ground of non payment of dowry, which compelled her to commit suicide by leaving a suicide note.

4. The applicants in Criminal Application No.412 of 2014 are husband, brother-in-law, father-in-law and mother-in-law of deceased. The applicants in Criminal Application No.317 of 2014 are brother-in-laws and sister- in-laws of deceased Deepali.

5. This Court on 08.05.2014 issued notice and passed *ad-interim* order directing that the charge-sheet shall not be filed until

further orders. Thereafter, this Court on 20.09.2017 admitted both the applications and continued *ad-interim* relief granted earlier.

6. In pursuance of the notice, the non-applicant No.2 has filed his appearance but there is no reply filed by the non-applicant No.2. The non-applicant No.1 – State has filed reply and it is stated in the reply that there are allegations of demand of dowry by the applicants in both the applications and the applicants were harassing deceased Deepali for non payment of amount of dowry.

7. The applicants in their applications have reproduced the text of suicide note left by deceased Deepali. There is no dispute about the contents of suicide note by either of the parties to the present applications.

8. We have scrutinized the contents of suicide note dated 31.12.2013. After having carefully gone through the contents of suicide note, we find that there are no allegations in the suicide note against the applicants either as regards harassment caused by the applicants or by any other reason blaming the applicants for committing suicide. In absence of any allegations against the applicants as regards harassment which corroborates the contents of First Information Report, we find that the First Information Report filed by the non-applicant No.2 making allegations as regards harassment caused by the applicants appears to be improbable.

9. After having considered the contents of First Information Report in the light of contents of suicide note it cannot be depicted as expressing anything intentional on the part of applicants prompting deceased to commit suicide, we are therefore, of the opinion that continuance of the proceedings against the applicants would amount to abuse of process of Court. The Hon'ble Apex Court in the case of *State of Haryana and ors. Vs. Bhajanlal and ors.* reported in **1992 Supp (1) SCC 335** in paragraph No. 102 has laid down the criteria for quashing of the First Information Report. Clause 7 of the paragraph No.102 of Bhajanlal's case (supra) is squarely applicable to the present case.

10. We therefore, pass the following order.

The First Information Report No.42 of 2014 dated 25.02.2014 registered with the non-applicant No.1-Police Station for offences under Section 498-A, 306 read with Section 34 of the Indian Penal Code against the applicants is quashed and set aside.

11. Criminal Applications stand allowed in above terms.

JUDGE

JUDGE

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