

IN THE HIGH COURT OF JUDICATURE OF BOMBAY  
BENCH AT AURANGABAD  
**CRIMINAL APPLICATION NO.280 OF 2021**

Rohini Vilas Bhole

Age : 31 years, occ : maid servant

R/o Mukund Nagar, Near Shanti Mandir,  
Mukundwadi, Aurangabad.

Applicant

**Versus**

1. The State of Maharashtra

2. Navnath Trimbak Bhole

Age : 64 years, occ : private service

R/o Sanjay Nagart, Lane No. 11,  
Mukundwadi, Aurangabad.

Respondents

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Mr. Vijay V. Deshmukh, Advocate holding for

Mr. M.P. Bhaskar, Advocate for the applicant.

Mr. R.V. Dasalkar, A.P.P. for the respondent No. 1 – State.

Ms. Seema T. Pawar, Advocate holding for

Mr. A.G. Talhar, Advocate for respondent No. 2.

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

DATE : 06-01-2022.

**ORDER (Per Sandipkumar C. More, J.) :**

1. With consent of the parties, heard finally at the stage of admission.

2. The applicant is praying for quashing of F.I.R. in Crime No. 455 of 2020 registered with Mukundwadi Police Station, Aurangabad for the offences punishable under Sections 306, 323, 504 read with Section 34 of the Indian Penal Code (for short "I.P.C."). During pendency of this application, charge-sheet is filed, and therefore, the applicant has also prayed for quashing of the said

charge-sheet bearing No. 20/2021, arising out of the aforesaid crime.

3. The F.I.R. indicates that one Vilas Navnath Bhole i.e. the husband of present applicant, committed suicide on 26.10.2020 in between 2.00 p.m. and 5.00 p.m. on the ground that his wife i.e. the applicant is having love affair with one Ganesh Gore and on the same day at about 1.00 p.m. both of them were found chatting in his house and on asking, the applicant insulted him and thereafter the applicant and her lover Ganesh Gore beat him. It further appears that the deceased had then come to house of the informant i.e. respondent No. 2, who is his father, and narrated about the applicant and her lover to him and then committed suicide by hanging himself.

4. Learned Counsel for the applicant submitted that the prosecution has come out with concocted story. In fact, there was quarrel between the applicant and her husband Vilas on the day of the incident at about 9.00 a.m. in which she was beaten by Vilas with fist and slaps, and therefore, she was constrained to go to Mukundwadi Police Station from where she was sent to GHATI Hospital, Aurangabad at about 10.15 a.m. She remained there for her medical treatment till around 2.00 p.m. and then lodged NCR of the incident in the said police station at 2.42 p.m. As such, learned Counsel for the applicant submitted that the applicant was not at all present in the house when the alleged quarrel between herself and deceased Vilas took place. Learned Counsel further submits that

even the son of deceased Vilas has not supported the prosecution case and as per his statement recorded during the investigation, which is before us by way of charge-sheet, there was quarrel between the applicant and deceased Vilas in the morning and his mother i.e. the applicant immediately went to police station and he alongwith his father i.e. deceased Vilas went to the house of his grandfather i.e. the informant.

5. On the contrary, learned A.P.P. strongly opposed the application on the ground that specific incident of quarrel between the applicant and deceased Vilas is mentioned in the F.I.R. Further, the F.I.R. recites that the lover of applicant i.e. Ganesh Gore was also found in the house of deceased at the relevant time when that quarrel took place. He further submits that there are direct allegations against the present applicant and the time gap between the alleged quarrel and commission of suicide by deceased is hardly of 1 and 1 ½ hours.

6. On the other hand, learned Counsel for respondent No.2 also opposed the application by reiterating the submissions made by learned A.P.P. on this behalf.

7. We have carefully gone through the report lodged by respondent No. 2 i.e. the informant. It is specifically stated by respondent No. 2 that on the day of incident, his son Vilas had come to his house at about 2.00 p.m. and told him that at 1.00 p.m. his son

found the present applicant alongwith her lover Ganesh Gore, who is the co-accused in this crime. Further, the statements of witnesses recorded during the investigation, which are before us by way of charge-sheet, also indicate that there was a love affair between the applicant and co-accused Ganesh Gore. The deceased had specifically stated to the informant that on asking about the presence of Ganesh Gore in the house, the applicant insulted the deceased and she and co-accused Ganesh Gore beat the deceased, and therefore, the deceased, by coming to his house, committed suicide as he was fed up of the illicit relations between the applicant and co-accused Ganesh Gore. It is extremely important to note that the aforesaid incident of insult of the deceased at the hands of applicant had taken place at about 1.00 p.m. and just within a period of one or two hours, the deceased committed suicide. As such, considering such narrow time gap between these two incidents, there is triable case against the applicant and co-accused Ganesh Gore for the offence punishable under Section 306 of the I.P.C.

8. Learned Counsel for the applicant heavily relied on N.C. complaint and the papers of medical treatment of the applicant of the day of incident and submitted that the applicant was in the police station as well as in GHATI Hospital, Aurangabad almost till 3.00 p.m. from 9.00 a.m. on the day of the incident. Moreover, he also drew our attention to the statement of son of the applicant and deceased, wherein the son has stated that the applicant, who is the mother, had gone out in the morning of the day of incident and then

he alongwith his father wen to the house of informant.

9. However, considering the scope of this application which has been filed for quashing of F.I.R., the aforesaid submissions or such material relied upon by the applicant cannot be considered. It may be used by the applicant as her defence at the time of trial.

10. Learned Counsel for the applicant also relied on the judgment of the Supreme Court in the case of **Velladurai vs. State**, reported in **2021 SCC OnLine SC 715**, wherein the appellant in that case, who was facing similar allegation as of this case, was acquitted of the offence punishable under Section 306 of I.P.C. However, the observations in the said case also cannot be used at this juncture as the same had made at the time of final judgment. The Supreme Court has already discussed the scope of this Court while exercising inherent powers under Section 482 of the Code of Criminal Procedure. According to those observations, the powers under Section 482 of Cr.P.C. for quashing the F.I.R. are to be exercised sparingly and only in those cases where the allegations made in the complaint are absurd and even the same are taken as proved, no offence can be established. However, in the instant matter, there are direct allegations against the applicant about the instigation of commission of suicide by deceased Vilas. Moreover, the time gap between the alleged incident of insult of the deceased at the hands of applicant and co-accused Ganesh Gore and

commission of suicide is hardly of one or two hours. Further, this Court cannot conduct a mini trial at this stage and give certain opinion on the basis of material in charge-sheet at this juncture.

11. Considering the above aspects, we are not inclined to quash the F.I.R. and criminal proceedings in respect of the aforesaid Crime No. 455 of 2020 registered against the applicant and co-accused Ganesh Gore. Hence, the following order.

**ORDER**

Criminal Application No. 280 of 2021 stands  
dismissed and disposed of accordingly.

**(SANDIPKUMAR C. MORE, J.)**

**(V.K. JADHAV, J.)**

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