

**IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD**

CRIMINAL APPLICATION NO. 1346 OF 2021

01 Manisha Sitaram Patil

Applicant

Versus

01 The State of Maharashtra

02 Ashok Shamrao Patil

Respondents

Mr. Umesh A. Bhadgaonkar, advocate for the applicant
Mr. M. M. Nerlikar, APP for Respondent No.1-State.
None present for Respondent No.2.

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

DATE : 07th January, 2022.

PC :

1 Heard finally by consent of learned Counsel for the applicant and learned A. P. P. Though final notice is served on Respondent No.2, none appears for him.

2 Though copy of the charge sheet is filed on record, no amendment is sought seeking quashing of the proceedings. In the peculiar facts of this case, we permit the applicant to carry out amendment forthwith in the prayer clause seeking quashing of the proceedings bearing RCC No.83 of 2021. It appears that the case

is committed to the Sessions Court and numbered as Sessions Case No.237/2021, pending before the Sessions Judge-4, Jalgaon.

3 Learned Counsel for the applicant submits that applicant is the wife of the brother of husband of deceased Radhabai. Learned Counsel submits that the applicant is residing with her husband separately in the adjacent house. The allegations as against the applicant are general in nature without attributing any specific role to her. The learned Counsel submits that the co-accused/husband of deceased Radhabai has lodged missing report wherein it has been specifically stated that deceased Radhabai was suffering from mental illness and she was under the treatment of a Psychiatrist at Jalgaon. The learned Counsel submits that marriage of Radhabai with co-accused Baliram had taken place in the year 2011 and the incident had taken place in the year 2021. The learned Counsel submits that the dead body of deceased Radhabai was found in the well water, however, presumption under Section 113-A of the Evidence Act is also not available since Radhabai died after seven years of her marriage.

4 Though Respondent No.2 is served with notice of final

disposal, none appears for him.

5 Learned A. P. P. submits that the co-accused, who is husband of deceased, had filed Missing report. He fairly accepted that there is reference, in the missing report, in respect of mental illness of deceased Radhabai and that she was under the treatment of one Psychiatrist at Jalgaon. However, learned A. P. P. submits that during investigation, nothing has been revealed about treatment of deceased Radhabai under a Psychiatrist at Jalgaon. The learned A. P. P. submits that there are allegations to the effect that the co-accused and present applicant harassed deceased Radhabai on miscellaneous grounds and as such, she had committed suicide.

6 We have carefully perused the charge sheet and also the complaint. Deceased Radhabai died otherwise than under normal circumstances after seven years of her marriage. So far as applicant before us is concerned, she is the wife of brother of co-accused i.e. husband of deceased Radhabai. Even her husband is not impleaded as accused in connection with the said crime. We have also gone through the charge sheet carefully, however, we find that without quoting any specific incident and explaining the ill-

treatment meted out to deceased, only general allegations are made against the applicant.

7 In the light of the law laid down by the Hon'ble Supreme Court in the case of **State of Haryana Vs. Bhajan Lal**, 1992 Supp (1) SCC 335, even if the allegations made against the applicant are held to be proved, no case is made out against her. In these circumstances, the proceedings, as against her, are liable to be quashed.

8 Hence, we pass the following order:

(i) Criminal Application is allowed in terms of prayer clauses "B" and "B-1".

9 Criminal Application is accordingly disposed of.

(SANDIPKUMAR C. MORE)
JUDGE

(V. K. JADHAV)
JUDGE

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