

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 60 OF 2022

1. Shenfad s/o Bandu Suradkar
 2. Radhabai w/o Ramesh Gawali,
 3. Sachin s/o Shamrao Gawali,
 4. Ramesh s/o Rambhau Gawali,
 5. Sawan s/o Shamrao Gawali,
 6. Rambhau s/o Sampat Gawali
- ...Applicants

Versus

1. The State of Maharashtra
 2. Suman w/o Gajanan Dandge
- ...Respondents

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Mr. D.S. Patil h/f Mr. S.S. Gangakhedkar, advocate for applicants
Mrs. Vaishali N Jadhav-Patil, A.P.P. for respondent No.1
Mr. Mohd. Sharef Latif, advocate for respondent No. 2.

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**CORAM : R. G. AVACHAT AND
SANJAY A. DESHMUKH, JJ.**

**Date of Reserving : 13.09.2023
the Order**

**Date of pronouncing : 05.10.2023
the Order**

O R D E R (PER SANJAY A. DESHMUKH, J.):

1. Heard learned advocates for the respective parties.
2. This application is filed under Section 482 of Cr.P.C. for quashment of C.R. No. 0192 of 2021 registered with Paradh police station, Tq. Bhokardan, district Jalna for the offences punishable

under Sections 306 r.w. 34 of I.P.C. and the consequential charge sheet bearing No. 203 of 2021 as well as further proceeding bearing R.C.C. No. 9 of 2022, pending before the learned J.M.F.C. Bhokardan, District Jalna.

3. The informant, Suman Dandge, who is sister of the victim-Chhaya, averred in the report that her sister Chhaya was married with Raju Rambhau Gawali, who is son of applicant No.6, prior to 13 years of the incident of her suicide committed on 23.11.2021. After marriage, within a month, her husband Raju was found while having sexual intercourse with his brother's wife i.e. applicant No.2, in their house. On that count, a quarrel took place there. At that time, applicant No.2 assaulted Chhaya. The husband of Chhaya and applicants started to harass Chhaya. The illicit relationship of husband of Chhaya with his brother's wife was continued. She opposed for the same. Therefore, her husband continuously harassed Chhaya.

4. On 15.9.2021, Chhaya made a phone call to her brother Ramkrushna stating that her husband will kill her. The brother of the informant therefore, went there. At that time, husband of Chhaya was there and he threatened to the brother of the informant that he will kill Chhaya and will not allow her to go with him to her matrimonial house. Thereafter, sister of the informant came to her matrimonial home without consent of her husband. At that time, her

husband came there and beaten her by belt. She sustained serious injuries. But Chhaya was not ready to lodge the report. She only took the treatment in a private hospital.

5. On 21.09.2021 Chhaya was taken to her husband's house. On 23.11.2021, she committed suicide by hanging due to harassment at the hands of the applicants and her husband. Therefore, report was lodged on 24.11.2021.

6. Learned advocate for the applicants submitted that applicant No.1 is the husband of sister-in-law of Chhaya, applicant No.2 is wife of applicant No.4, the applicant Nos. 3 and 5 are brothers-in-law whereas applicant No.6 is father-in-law of deceased Chhaya. They have not abetted her to commit suicide. Either from the report or the statements of witnesses, it does not appear that they abetted Chhaya to commit suicide by harassing her or treating her with cruelty. Their role is not specifically spelt out from the charge sheet. He lastly submitted to quash the report, the consequential charge sheet and the further pending proceedings.

7. Learned A.P.P. for respondent No.1 State and learned advocate for respondent No.2 informant have strongly opposed the application by contending that the applicants are involved in the serious crime. There is prima facie evidence of abetment to commit suicide against the applicants. They have instigated and abetted

Chhaya to commit suicide. They prayed to reject the application.

8. Perused the charge sheet. The report does not disclose any abetment on the part of any of the applicants soon before her death. All the allegations are made against the husband of deceased Chhaya. In such facts situation, compelling the present applicants to face the trial would be an abuse of process of the Court. Considering the fact that there is no material against the applicants to show that they directly or indirectly instigated deceased Chhaya to commit suicide, the application deserves to be allowed.

9. In view of the above, the application is allowed in terms of prayer clauses "B" and "C-1". No costs.

(SANJAY A. DESHMUKH, J.)

(R. G. AVACHAT, J.)

rlj/