

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 344 OF 2023

Ram S/o Dada Bhujbal
Age : 21 years, Occ : Shopkeeper,
R/o Bhujbal Vasti, Tq. Shrigonda,
Dist. Ahmednagar

..APPLICANT

-VERSUS-

1. The State of Maharashtra
Through Satara Police Station
Aurangabad.
2. Vilas S/o Shriran Bhujbal
Age : 50 years, Occ : Agriculture,
R/o Bhujbal Vasti, Tq. Shrigonda,
Dist. Ahmednagar.

..RESPONDENTS

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Advocate for Applicants : Mr.D.S. Ingole
APP for the Respondent/State : Mr.R.V. Dasalkar
Advocate for respondent no.2 : Mr.J.S. Jain

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**CORAM : R.G. AVACHAT AND
SANJAY A. DESHMUKH, JJ.**
DATED : 7th JULY, 2023.

ORDER (PER Sanjay A. Deshmukh, J.) :-

1. This is an application filed under section 482 of the Criminal Procedure Code, 1973 (for short, "Cr.P.C.") for quashing of FIR bearing C.R. No.0353 of 2022 registered with Shrigonda Police Station, Dist. Ahmednagar for the offence punishable under section 306 of the Indian Penal Code and charge-sheet filed in R.C.C. No.475 of 2022 pending before the Judicial Magistrate, First Class, Shrigonda, Dist. Ahmednagar.

2. The allegations in the FIR are that the daughter of the informant, aged about 18 years was having love affairs with the applicant. The applicant was running grocery shop. Daughter of the informant used to visit that shop. On 15.11.2021 at about 5.00 p.m., daughter of informant went to the shop of the applicant, which was seen by her sister Gauri and thereafter she was not found. Her dead body was found in the well to the nephew of the informant on 17.11.2021. Therefore, report was lodged on 23.05.2022 alleging that that the applicant abetted the daughter of the informant to commit suicide.

3. The learned counsel for the applicant argued that there is six month delay for lodging the report, which is not explained by the prosecution. After thought story has been hatched in order to prosecute the applicant. He, therefore, submitted to quash the report and the charge-sheet.

4. The learned APP and the learned counsel for the respondent no.2 argued that there is statement of daughter of the informant, who saw deceased lastly with the applicant in his shop. Therefore, it is sufficient evidence of abetment by instigation on the part of the applicant. They lastly prayed to reject the application.

5. Perused the FIR and report. Admittedly the dead body of the daughter of the informant was found on 17.11.2021 and the report is lodged on 23.05.2022. There is delay of six months in lodging the FIR and the same is not explained. There is no prima facie evidence to show that there was love affairs between the applicant and the daughter of the informant. Therefore, prima facie inference of abetment by instigation on the part of the applicant can not be drawn. Therefore conducting the trial against the applicant would be an abuse of process of the Court. The application deserves to be allowed by quashing the report and charge-sheet. Accordingly, the application is allowed in terms of prayer clause "B". No costs.

(SANJAY A. DESHMUKH, J.)

(R.G. AVACHAT, J.)

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