

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

CRIMINAL APPLICATION NO.1220 OF 2020

Nusratbegum w/o. Abdul Salim
and ors.

..Applicants

Vs.

The State of Maharashtra and anr.

..Respondents

Mr.Joydeep Chatterji, Advocate with Mr.B.N.Gadegaonkar, Advocate for
applicants

Mr.M.M.Nerlikar, APP for respondent no.1

Mr.A.N.Patale, Advocate for respondent no.2

**CORAM : SMT. ANUJA PRABHUDESSAI
AND R.M.JOSHI, JJ.
DATE : JANUARY 13, 2023**

PER COURT :-

At the outset, learned counsel for the applicants seeks leave to withdraw the application on behalf of the applicant nos.2 and 3 without prejudice to their rights and contentions to contest the sessions case. Leave granted. The application, as regards applicant nos.2 and 3, stands disposed of as withdrawn.

2. Heard finally with the consent of learned counsel for the parties.

3. This is an application under Section 482 of the Code of Criminal Procedure for quashing FIR being Crime No.0006 of 2019 registered with Vazirabad Police Station, Dist.Nanded, for the offences punishable under Sections 306, 506 read with Section 34 of Indian Penal Code so also the criminal proceedings, i.e. Sessions Case No.60 of 2020, pending before the Sessions Court, Nanded.

4. Heard learned counsel for applicant no.1, learned APP for respondent no.1 and learned counsel for respondent no.2.

5. The respondent no.2 lodged the FIR, alleging that her husband Hidayat Yunus Shadulkar set himself ablaze on 31.12.2018 and succumbed to the burn injuries on 08.01.2019. She alleged that her husband was an employee of M/s.Dragon Energy Drinks, as a Sales Manager. The applicant no.1 is stated to be the proprietor of the said firm. The respondent no.2 alleged that the applicant no.1 and her husband and son had failed to pay him salary for about one year. She stated that they had no other source of income. They refused to pay the salary despite several requests made by her husband. It is stated that on 31.12.2018, her husband had gone to

the shop of the applicant no.2 to demand payment of arrears of salary. He was abused and threatened. It is stated that the husband of the applicant committed suicide due to non-payment of the salary and the threats and harassment meted out by the husband and the son of the applicant no.1.

6. It is pertinent to note that the statement of the deceased was recorded in the hospital on 01.01.2019. The deceased in his statement, had not attributed any role to the applicant no.1. The respondent no.2 has also not attributed any specific role to applicant no.1. The applicant no.1 has been implicated only because she is the proprietor of the firm, wherein the deceased was an employee.

7. The FIR and the papers of investigation, even if taken at its face value in their entirety, do not indicate that the applicant no.1 had abetted or instigated suicide by the husband of respondent no.2, within the meaning of Section 107 of Indian Penal Code. Since the FIR and other material on record does not disclose offence under Section 306 of I.P.C. as against this applicant, in our view, continuation of the criminal proceedings against applicant no.1 will

be sheer abuse of process of law. Hence, this is a fit case to invoke powers under Section 482 of the Code of Criminal Procedure.

8. Hence, the application is allowed in terms of prayer clause (C) qua the applicant no.1. Consequently, FIR being Crime No.0006 of 2019 registered with Vazirabad Police Station, Dist.Nanded, for the offences punishable under Sections 306, 506 read with Section 34 of Indian Penal Code so also the criminal proceedings, i.e. Sessions Case No.60 of 2020, pending before the Sessions Court, Nanded, is quashed, qua the applicant no.1 herein.

[R.M. JOSHI, J.]

[SMT. ANUJA PRABHUDESSAI, J.]

KBP