

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

CRIMINAL APPLICATION NO.2026 OF 2021

Hanmant s/o Satwaji Kandhare & anr. ... **APPLICANTS**

VERSUS

The State of Maharashtra & anr. ... **RESPONDENTS**

.....
Mr. P.P. More, Advocate for applicants
Mr. Y.G. Gujarathi, A.P.P. for respondent No.1.
Mr. N.R. Thorat, Advocate for respondent No.2.
.....

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

DATE : 20th OCTOBER, 2023

ORDER (PER SANJAY A. DESHMUKH, J.) :

After hearing learned counsel for the applicants, the Court expressed disinclination to grant relief to the applicant No.1. Learned counsel for the applicants, therefore, seeks leave to withdraw the application of applicant No.1. The application of applicant No.1 stands disposed of as withdrawn.

2. This is an application for quashing the F.I.R. bearing Crime No.0138/2021, registered with Bhagya Nagar Police Station, Nanded for the offence punishable under Section 306 read with Section 34 of the Indian Penal Code and the consequential criminal

proceedings bearing R.C.C. No.448/2023, pending before the learned Judicial Magistrate, First Class, Nanded.

3. The informant averred in the report that, his daughter was having love affairs with applicant No.1. The applicant No.1 sexually exploited her, however, he did not fulfill the promise of marriage. Therefore, his daughter committed suicide by leaving a suicide note. Therefore, the informant lodged the report.

4. Learned counsel for the applicants submitted that, there is no abetment to commit suicide by instigation on the part of applicant No.2. He, therefore, prayed for quashing the F.I.R. and the criminal proceedings.

5. Learned A.P.P. for the respondent No.1 – State and learned counsel for respondent No.2 pointed out the suicide note, in which the daughter of the informant mentioned that the applicant No.1 promised to marry with her. Therefore, she submitted herself to the applicant No.1. However, the applicant No.1 exploited her many times. He refused to marry with her. Therefore, in the compelling situation, she committed suicide. Learned counsel for the respondent No.2 lastly prayed to reject the application.

6. Perused the charge sheet and the statement of Sonal, friend of deceased daughter of the informant, wherein she specifically stated that the applicant No.1 was not ready to perform

marriage with the deceased and the applicant No.1 was refusing to marry with her as she did not belong to his caste. The suicide note prima facie establishes abetment on the part of the applicant No.1. However, it is nowhere alleged that the applicant No.2, the sister of applicant No.1 abetted her to commit suicide. Therefore, considering the prima facie material on record, the application of applicant No.2 deserves to be allowed. Hence the order :

ORDER

- (i) The application of applicant No.2 is allowed in terms of prayer clauses (C) and (C-1).
- (ii) The application stands disposed of.
- (iii) The observations made herein are prima facie in nature and the trial Court shall not be influenced by the same.

(SANJAY A. DESHMUKH, J.)

(R.G. AVACHAT, J.)

fmp/-