

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 2131 OF 2021

1. Bhagwan Dagadu Patil
Age : 26 years, Occ : Agriculture,
R/o Shirdhane (Japi), Tq. & Dist. Dhule
2. Vinod Dilip Patil
Age : 25 years, Occ : Agriculture,
R/o Shirdhane (Japi), Tq. & Dist. Dhule
3. Pankaj Bapu Patil
Age : 25 years, Occ : Agriculture,
R/o Shirdhane (Japi), Tq. & Dist. Dhule
4. Ananda Bharat Patil
Age : 29 years, Occ : Agriculture,
R/o Shirdhane (Japi), Tq. & Dist. Dhule
5. Dnyaneshwar Dodhu Patil
Age : 46 years, Occ : Agriculture,
R/o Shirdhane (Japi), Tq. & Dist. Dhule

..APPLICANTS

-VERSUS-

1. The State of Maharashtra
2. Pravin Vilas Patil
Age : 24 years, Occ : Agriculture,
R/o Shirdhane (Japi), Tq. & Dist. Dhule

..RESPONDENTS

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Advocate for Applicants : Mr.Joydeep Chatterji
APP for the Respondent/State : Mr.R.B. Bagul
Advocate for respondent no.2 : Mr.D.S. Ingole (appointed)

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**CORAM : R.G. AVACHAT AND
SANJAY A. DESHMUKH, JJ.
DATED : 20th JUNE, 2023.**

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

1. Rule. Rule made returnable forthwith. Heard finally with the

consent of the learned advocates for the parties.

2. This is an application filed under section 482 of the Criminal Procedure Code, 1973 for quashing of FIR bearing Crime No.173 of 2021 registered at Dhule Taluka Police Station, Dist. Dhule under sections 306, 323, 504, 506 read with 34 of the Indian Penal Code.

3. The applicants contended that they have been falsely implicated in this crime. There is no prima facie evidence of abetment to commit suicide against them. They prayed to quash the FIR.

4. The learned APP and the learned counsel for the respondent no.2 strongly opposed the application for quashing of FIR.

5. Heard learned advocate for the applicants, the learned APP for respondent no.1/State and learned counsel for respondent no.2.

6. The report shows that the incident took place on 07.05.2021 about the abusing and threatening to the father of the informant. Therefore, his father Vilas Patil committed suicide by consuming poison on second day on 08.05.2021.

7. Bare perusal of the report does not show that the applicants have abetted deceased Vilas to commit suicide. Merely because quarrel took place, abuses were hurled and threats were given to the father of the informant, the applicants cannot be held liable under section 306 of the Indian Penal Code. The applicants cannot be forced to face the trial only because suicidal death in the absence of abetment to commit it on the part of applicants. There is no prima facie case against the applicants. The application, therefore, deserves to be allowed. Therefore argument of the learned APP is not acceptable in this case. Hence the following order :-

ORDER

- a. The application is allowed. FIR bearing Crime No.173 of 2021 registered against the applicants at Dhule Taluka Police Station, Dist. Dhule under sections 306, 323, 504, 506 read with 34 of the Indian Penal Code is quashed and set aside.
- b. Rule made absolute in the above terms.
- c. Fees of Mr.D.S. Ingole, learned counsel, appointed to represent respondent no.2, is quantified at Rs.5,000/-.

(SANJAY A. DESHMUKH, J.)

(R.G. AVACHAT, J.)