



This order dated 4th December, 2023 is corrected and uploaded in view of the order dated 19th December, 2023

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

CRIMINAL APPLICATION NO. 3224 OF 2022

1. Prabhakar Rangrao Nirmal
2. Kaushlya Prabhakar Nirmal
3. Sitaram Prabhakar Nirmal
4. Rangrao Prabhakar Nirmal

..APPLICANTS

-VERSUS-

1. The State of Maharashtra
2. Pralhad Kacharu Jangale

..RESPONDENTS

...
Advocates for Applicants : Ms.Ashwini Lomte h/f Mr. Salunke S.J.
APP for the Respondent/State : Mr.V.K. Kotecha
Advocate for respondent no.2 : Mr.Rahate Satyajee J.

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

DATED : 04th DECEMBER, 2023.

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

1. This application is filed for quashing the First Information Report (FIR), being Crime No.215 of 2022 registered with Police Station, Manwat, Dist. Parbhani, for the offence punishable under sections 306 read with 34 of the Indian Penal Code and consequential charge-sheet being Regular Criminal Case (RCC) No.215 of 2022 pending in the Court of Judicial Magistrate, First Class, Manwat, Dist.Parbhani.

2. Informant averred in the report that there was dispute on account of right of way of agricultural land. On 23.06.2023, father of the informant was carrying seeds and fertilizer from the boundary of the disputed land. The applicants tried to prohibit them and hurled abuses to them. The father of the informant was under tension due to the abuses and that quarrel. On 2nd day at about 5 a.m. he committed suicide by hanging himself. He wrote suicidal note in the diary. The applicants instigated father of informant, and therefore, he committed suicide. Therefore, the report is lodged.

3. The learned advocate for the applicants submits that suicidal note is not disclosing abetment for commission of suicide to the father of the informant. She submits to allow the application and quash the report and R.C.C. No.215 of 2022.

4. The learned APP for the State and learned advocate for the informant strongly opposed the application by contending that the report is promptly lodged. Names of the applicants are mentioned in the report. There is material evidence against the applicants. Names of the applicants are mentioned in the diary of father of informant. They, therefore, prayed to reject the application.

5. Perused the report and charge-sheet. Alleged suicidal note is not filed along with the charge-sheet, however, today the copy of that suicidal note is produced on record, in which names of the applicants are mentioned and prayer for right of way is made. However, it is nowhere mentioned that the applicants instigated father of the informant for commission of suicide. Thus, mere commission of suicide without instigation on the part of any of the applicants is not sufficient ingredients of section 306 of the Indian Penal Code read with 107 of the Indian Penal Code. Thus, there is no material to proceed against the applicants under section 306 of the Indian Penal Code. It would be abuse of the process of the Court, if the applicants are compelled to face the trial. We are, therefore, inclined to allow the application. It is allowed in terms of **prayer clauses "B", "C", "D" and "E"**.

6. No costs.

(SANJAY A. DESHMUKH, J.)

(R.G. AVACHAT, J.)

sga/