

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

995 CRIMINAL APPLICATION NO.4207 OF 2022

1. Sapna Bhimrao Rathod
2. Suresh Honaji Jadhav
3. Sindhubai W/o Suresh Jadhav
4. Yashawant Suresh Jadhav
5. Shubhangi D/o Suresh Jadhav

..APPLICANTS

-VERSUS-

1. The State of Maharashtra
2. Gulab Moan Rathod

..RESPONDENTS

...
Advocate for Applicants : Mr.M.R. Jadhav
APP for Respondent/State : Mr.S.N. Morampalle
Advocate for Respondent No.2 : Mr.M.P. Dipake
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**CORAM : R.G. AVACHAT AND
SANJAY A. DESHMUKH, JJ.
DATED : 5th SEPTEMBER, 2023.**

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

. This is an application for quashment of FIR bearing Crime No.431 of 2022 registered with Chikalthana Police Station, Aurangabad for the offence punishable under section 306 read with 34 of the Indian Penal Code and consequential charge-sheet filed in R.C.C. No. 438 of 2023 pending in the Court of Judicial Magistrate, First Class, Aurangabad.

2. Informant averred in his report that his brother Vinod was married with applicant no.1 before five years at Aurangabad. They happily stayed for one year under one room. Thereafter, quarrel took place between them and she joined the Sister's Course at Nashik. It is further averred that other applicants, who are relatives of applicant no.1 were not allowing her to cohabit with her husband. They used to threat him that they will eliminate him. They were harassing, therefore, on 23.10.2022 at about 12.30 a.m., he injected poisonous injection to himself and committed suicide by leaving suicide note in which names of these applicants are mentioned.

3. The learned advocate for the applicants argued that the suicide note is vague and only names of the applicants are mentioned in it. There is no evidence of abetment to commit suicide to the brother of the informant. He, therefore, prayed for quashing of the report and the charge-sheet in R.C.C. No.438 of 2023.

4. The learned APP and the learned advocate for respondent no.2 – informant argued that there is suicidal note in which the names of the applicants are mentioned and they are liable under section 306 of the Indian Penal Code as they have abetted to commit suicide to the brother of the informant. It is further pointed out that the applicants were threatening to the informant to withdraw the present

crime, and therefore, he lodged the said N.C.

5. Perused the charge-sheet. The suicidal note shows only four names of the applicants and it is vague as to what happened soon before the suicide with them. Thus, there is prima facie no material of abetment to commit suicide against any of the applicants as contemplated under section 107 of the Indian Penal Code. Considering all the facts and circumstances of the case, it would not be proper to compel the applicants to face the trial on such vague suicidal note, which is insufficient material to infer abetment to commit suicide on the part of the applicants. The application, therefore, deserves to be allowed. Accordingly, the application is allowed in terms of prayer clauses "B" and "B-1".

(SANJAY A. DESHMUKH, J.)

(R.G. AVACHAT, J.)

sga/