

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO. 1877 OF 2022

1. Gautam Ambarushi Surawase
2. Smt. Nirmala w/o Gautam Surawase ...Petitioners

Versus

1. The State of Maharashtra
2. Deputy Inspector General of Police
Maharashtra Police Lion Gate, Fort.
3. Superintendent of Police, Solapur
4. Deputy Superintendent of Police, Barshi
5. Senior Police Inspector, Barshi
6. Bhakti Rajendra Patil. ...Respondents

Mr. Ujwal R. Agandsurve a/w Mr. Ashish Gaikwad i/b Ashish Gaikwad, for the Petitioner.

Mrs. P.P.Shinde, A.P.P for the Respondent-State.

Mr. Abhishek D. Nagode, for the Respondent No.6.

**CORAM : REVATI MOHITE DERE &
GAURI GODSE, JJ.**
DATE : 19th JULY, 2023

P.C. :

1. By this petition, the petitioner seeks the following substantive reliefs;

“(b) That this Hon’ble Court be pleased to call for the records and proceedings in respect of the written complaint made by the petitioners to the office of respondent 1 to 5 dated 9.3.2022 17.3.2022 and the complaint dated 06.04.2022 arising out of suicide note of the son of the petitioner (Mahesh) (annexed at Exhibit – hereto) and after receipt of the same said respondent direct the respondent 1,2,3 to lodge FIR for the offences punishable under Section 306, 120-B r/w 34 of IPC forthwith and further be directed to investigate the same and initiate the Penal action as against the delinquent accused whose names are specifically mentioned in the complaint and suicide note forthwith.

(c) This Hon’ble Court be pleased to direct the Respondent No.1 and Respondent No.2 to lodge the FIR for the offences punishable under Section 306, 120-B r/w 34 of the Indian Penal Code forthwith and further be the direct to investigate the same and initiate the Penal action as against the delinquent accused who’s names are specifically mentioned in the complaint and suicide note forthwith and same be registered with the Crime Branch of Police outside the jurisdiction of Solapur District and Satara District for the fare and transparent investigation in the matter in the interest of justice.

(d) This Hon’ble Court be pleased to direct the Respondent No.1 and Respondent No.2 thereby to initiate the Departmental Enquiry and also be initiated the Disciplinary Action as against the delinquent officers of Respondent No.4,5 and the Police officers of Dahiwadi Police Station the then namely Police Inspector Shri. Bhujbal, PSI Pramod Dixit, Shri. Waghmare and accordingly after its report dismiss them from the Police service.”

2. Learned Counsel for the petitioners submits that the petitioners' son committed suicide on 4th March, 2022. Learned Counsel relied on the suicide note which is on page 73 of the petition, typed copy of which, is on page 88. He submits that in the said suicide note, the petitioners' son has named the persons responsible for him committing suicide.

3. Learned APP opposes the petition. She submits that there was a matrimonial dispute between the petitioners' son on the one hand and his wife and her family members on the other. She submits that the Police have investigated the case and have come to a conclusion that no offence as alleged is disclosed. Learned APP has relied on the affidavit filed by Swapnil Ijjapawar, API, attached to Solapur Taluka Police Station, District, Solapur, which is at page 101 of the petition.

4. Perused the papers. The petitioners' son was married with one Bhakti Patil as per Hindu rites and rituals on 22nd September,

2020. It is alleged by the petitioners that after marriage, on 10th October, 2020, Bhakti's family came to their house and started abusing them and also told the petitioners' son, that he should leave Bhakti and should return all her photographs and documents. It is further alleged by the petitioners that one of Bhakti's uncle came to their house and threatened them and their son – Mahesh (deceased) and asked Mahesh to leave Bhakti and return all her photographs of marriage and documents, failing which, they would implicate Mahesh and the petitioners in a false case and send them to jail. It appears that pursuant thereto, i.e. on 28th December, 2020, the petitioner No.2 lodged an NC as against Bhakti's uncle – Yogesh Patil, alleging the aforesaid.

5. According to the petitioners, their son – Mahesh also sent a legal notice, through his lawyer, to Bhakti for co-habitation, however, Bhakti refused to accept the said notice. Thereafter, it appears that on 25th July, 2021, the petitioners learnt that Bhakti had filed an FIR, as against them and their son – Mahesh (deceased), alleging offences

punishable under Sections 498A, 500, 504, 506, 323 r/w 34 of Indian Penal Code.

6. According to the petitioners, the Police were putting pressure on Mahesh to leave Bhakti and were threatening Mahesh. It is further alleged by the petitioners that on 4th March, 2022, Mahesh committed suicide because of the repeated threats to return Bhakti's documents / photographs of marriage and because of the threats to divorce Bhakti.

7. Pursuant to Mahesh's suicide, the Police registered an ADR i.e. ADR No. 17 of 2022. It appears from a perusal of the affidavit filed by API Swapnil Ijjapawar, attached to Solapur Taluka Police Station, Dist. Solapur, that the Police had conducted an inquiry in the said ADR and in connection with the same, had recorded the statements of several persons. It appears from the affidavit, that the suicide note allegedly written by Mahesh, was produced by the petitioners, one month after Mahesh committed suicide. It also

appears that no original pages of the diary, or natural handwriting of the deceased, was produced by the petitioners, despite requesting to the petitioners to do so.

8. It also appears from the affidavit, that during the course of the ADR inquiry, the statement of one Medical Officer – Mahesh V. Deokate from Mandarpan Neurophychiatric Clinic came to be recorded on 5th October, 2022. In the said statement, the Medical Officer has revealed that from October, 2020, Mahesh (deceased) was undergoing treatment for depression and was admitted in Jagdale Mama Hospital, Barshi for ‘Depressive Disorder’. To the affidavit is annexed the case papers of Jagdale Mama Hospital, Barshi. It appears that after conducting a detailed ADR inquiry, the Police have submitted their report in the Court of competent jurisdiction, with respect to the findings recorded by them.

9. Although, the death of Mahesh is extremely unfortunate, taking the case as it stands, as disclosed by the petitioners and even if,

the alleged suicide note is taken into consideration, no offence under Section 306 of the Indian Penal Code is disclosed.

10. Considering the aforesaid, no ground is made out for granting the reliefs as prayed aforesaid.

11. The petition stands dismissed.

12. All concerned to act on the authenticated copy of this order.

GAURI GODSE, J.

REVATI MOHITE DERE, J.