

IN THE HIGH COURT OF JUDICATURE AT BOMBAY :
NAGPUR BENCH : NAGPUR.

CRIMINAL WRIT PETITION No. 519/2014.

Bhartendra s/o Dhanraj Bhoyar,
Aged about 45 years, Occupation -
Lawyer, resident of Snehnagar,
Near Doctors Colony, Takiya
Ward, Bhandara, Tahsil and
District Bhandara.

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PETITIONER.

VERSUS

1.The State of Maharashtra,
through Police Station Officer,
Kardha, Tahsil and District
Bhandara.

2.Sujat s/o Sukhdev Chaware,
Aged about 55 years, Occupation
Labour, resident of Ambedkar Ward,
Kardha, Tahsil and District Bhandara.

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RESPONDENTS.

Mr. M.P. Kariya, Advocate for the Petitioner.
Mr. A.M. Kadukar, A.P.P. for Respondent No.1.
Mr. D.V. Chauhan, Advocate [Appointed] for Respondent No.2.

CORAM : VINAY JOSHI AND
BHARAT P. DESHPANDE, JJ.

JUDGMENT RESERVED ON : 29.03.2023.
JUDGMENT PRONOUNCED ON : 13.04.2023.

JUDGMENT (PER VINAY JOSHI, J.) :

The petitioner is one of the two accused named in first information report [FIR] in Crime No.31/2014 dated 27.04.2014, registered with Police Station Karda, District Bhandara for the offence punishable under Section 306 of the Indian Penal Code. Though the crime was registered against two accused, however, this petition in terms of Article 226 of the Constitution of India read with Section 482 of the Code of Criminal Procedure has been filed by one namely Advocate Bhoyar, seeking quashing of the aforesaid FIR and charge-sheet filed in pursuance thereof.

2. Having regard to the prima facie material, initially this Court vide order dated 23.06.2014 directed that no coercive steps be taken against petitioner. Upon hearing the parties on 09.12.2014, this Court has issued Rule, as well as stayed the investigation of the aforesaid crime. Later on this Court wide order dated 06.12.2019 vacated the stay to the investigation. Again vide order dated

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20.02.2020, prosecution was permitted to file charge-sheet, as well as, leave was granted to suitably amend the petition by adding the prayer for quashing of the charge-sheet. In consequence charge-sheet came to be filed, as well as the petitioner has raised additional prayer for quashing of the charge-sheet.

3. The facts leading to the filing of this petition are that, on 13.04.2014 one Jayakumar Khobragade has consumed poisonous substance, and died on 14.04.2014, thus a case of suicide. On receipt of intimation, a case of accidental death was registered by the concerned Police on 14.04.2014. During enquiry, the investigating agency has conducted inquest Panchnama and sent dead body for postmortem examination. The medical officer has prima facie expressed the probable cause of death may be poisoning, however, viscera was preserved for final opinion. During the course of enquiry, the police have received a suicidal note forwarded by District Judge Bhandara. Brother-in-law of deceased has lodged a report on 27.04.2014 alleging that as per suicidal note petitioner was responsible for the death of Jayakumar. Informant has stated that the deceased Jayakumar was his brother-in-law, and working as

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Stenographer at Pauni Court, whereas wife of the deceased namely Anita [co-accused], was also serving as Stenographer in Bhandara Court. Informant stated that on 13.04.2014 around 8:30 a.m., the deceased Jayakumar along with his mother came to his house. Around 9 p.m. all of them had a dinner and deceased went on the upper floor to sleep. Around 10 p.m. deceased started vomiting on which he was admitted to the General Hospital for medical treatment, where he died on the following day i.e. on 14.04.2014 around 11 a.m. While the deceased was at the house of informant, he had handed over one sealed envelope addressed to the Judge, which the informant gave to the addressee on 16.04.2014. The said envelope was containing a suicidal note written by deceased. It was forwarded to the investigating agency. In the said suicidal note, the deceased alleged that the petitioner had induced his wife against him and instigated her to take divorce, therefore, petitioner is responsible for his suicide.

4. On receipt of suicidal note and the report lodged by the informant, Police registered a Crime for the offence punishable under Section 306 of the Indian Penal Code. During the course of

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investigation police have collected Chemical Analyzer report. The police have also collected specimen signature of the deceased and sent the original suicidal note for expert's opinion. The police received handwriting expert's opinion stating that the specimen signature, writing and signature on suicidal note shows similar handwriting and thus it indicates their common authorship. It was transpired that petitioner, as well as wife of the deceased Anita both were responsible for the death of Jayakumar, therefore charge-sheet has been filed against them.

5. During the course of investigation, the police recorded statement of witnesses and seized a suicidal note by drawing Panchnama. The autopsy report has been collected and included in the police papers. It was stated that the material on record point towards the guilt of the petitioner and Anita, for the offence punishable under Section 306 read with Section 34 of the Indian Penal Code. Much emphasis was laid on the suicidal note dated 27.03.2014.

6. The learned Counsel appearing for the petitioner

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submitted that even if the FIR, charge-sheet and the material available on record are taken into consideration, the ingredients to constitute an offence punishable under Section 306 of the Indian Penal Code is not made out, therefore, the FIR and the charge-sheet are liable to be quashed. The learned Counsel for the petitioner relied on various decisions of Supreme Court to contend that, if collected material falls short to make out prima facie case to constitute an offence charged, the prosecution is required to be quashed. It is submitted that the essential aspect of abetment as defined under Section 107 of Indian Penal Code was totally absent. It cannot be said that the petitioner has instigated the deceased to commit suicide. Reference was also made to number of decisions of this Court to substantiate said contention.

7. The learned Counsel for the petitioner referred to Sections 107 and 306 of the Indian Penal Code, as well as took us through entire suicidal note to contend that, at the most suicidal note spells out that deceased was frustrated due to the affair of his wife with the petitioner. The suicidal note nowhere states positive act on the part of the petitioner to construe it as sufficient instigation. It was further

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submitted that there was no proximity between the suicide note, dated 27.03.2014 with the occurrence dated 13.04.2014. Moreover the learned Counsel for the petitioner took us through the postmortem notes and the final medical opinion. Though the Medical Officer prima facie formed an opinion about probable/possible case of poisoning, however, the Chemical Analyzers report reveals that viscera does not reveal any poison. Contextually Medical Officer has expressed that the final cause of death cannot be opined. In this regard the learned Counsel for the petitioner would submit that since the cause of death of Jayakumar is mysterious one, the essential ingredient, rather the prerequisite to constitute the offence punishable under Section 306 of the Indian Penal Code is missing. On the basis of said material, he would submit that the present writ petition deserves to be allowed as there is no purpose in proceeding with the trial which would be an exercise in futility.

8. On the other hand the learned counsel [appointed] for respondent no.2/informant and learned A.P.P. for State submitted that the material on record, particularly the suicide note, clearly indicates that, the act of petitioner left no option for the deceased

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then to commit suicide. It is submitted that in some of the cases of suicide by way of poisoning, the poison may not be detected. The emerging facts are clear enough that the deceased has consumed something which took his life. They also took us through the suicidal note dated 27.03.2014, as well as one additional letter written by the deceased on the same day expressing his anguish against the petitioner. Our attention has been attracted to the incident dated 14.01.2014 referred by the deceased in the suicide note. It is submitted that petitioner has instigated wife of the deceased, due to which there used to be quarrel in between the couple. On 14.01.2014 the petitioner was called by deceased at his house. At that time the petitioner expressed that he is ready to leave his wife and children for Anita. Moreover the petitioner behaved in an arrogant manner that is why deceased took decision to end his life. It is pointed out that the suicidal note was followed by one another letter written on the same day. In said later, the deceased reiterated that the petitioner was instigating to the wife of deceased to obtain divorce. The deceased expressed that everything happened in his matrimonial life was due to petitioner and therefore he should not be

spared. The learned Counsel appearing for respondent no.2 by referring to various decisions would submit that, if continuous course of conduct creates such circumstances that the deceased was left with no option, then instigation may have to be inferred. It is submitted that the suicidal note prima facie indicates the act of petitioner, therefore, it is a matter of trial, but, not certainly a case of questioning at the threshold.

9. In the case of **Swamy Prahalddas Vs. State of M.P. and another - 1995 Supp (3) SCC 438**, the Supreme Court was considering a situation where the accused was alleged to have remarked to the deceased 'to go and die' and thereafter, the deceased committed suicide. Even in such a situation the Supreme Court held that the allegations, even if they were to be accepted as it is, did not prima facie reflect requisite mens rea on the part of the accused and it was also found that the deceased did have time to weigh the pros and cons of the act by which he ultimately ended his life. It was held that the accused need not face the charge in such a situation.

10. In the case of **Sanju Alias Sanjay Singh Sengar Vs. State**

of **M.P., - (2002) 5 SCC 371**, the Supreme Court was considering a situation where the deceased had left behind a suicide note, wherein it was specifically stated that the accused was responsible for his death. In the said case, the Supreme Court considered the liability of the accused to face investigation and prosecution under Section 306 of the IPC, in the context of Section 107 thereof and it was held that the word “instigate” denotes incitement or urging to do some drastic or inadvisable action or to stimulate or incite, further holding that presence of mens rea, therefore, was a necessary concomitant of instigation. It was found that in the said case the alleged abusive words were used by the accused against the deceased, two days prior to the date when the deceased was found hanging. In these circumstances, the Supreme Court found it fit to quash the criminal proceedings.

11. In the case of **Madan Mohan Singh Vs. State of Gujarat and another - (2010) 8 SCC 628**, the accused was alleged to have instigated his driver to commit suicide. There was a detailed suicidal note left behind by the deceased and the accused had approached the High Court for quashing of the FIR and the criminal proceedings,

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but his prayer was rejected, as consequence of which, the accused was before the Supreme Court seeking relief. The Supreme Court analyzed Section 306 read with 107 of the IPC and found that there has to be proximity between the alleged acts of the accused and the extreme step taken by the deceased of committing suicide. It was held that the allegations made and the material ought to be of a definite nature and not imaginary or inferential. The Supreme Court went into the suicidal note of about 15 pages and found that the contents thereof expressed the anguish of the deceased, who felt that his boss (the accused) had wronged him, but it was noted that the contents fell short of depicting an intentional act on the part of the accused for driving the deceased to commit suicide. On this basis, the judgment of the High Court was set aside and the FIR and criminal proceedings were quashed.

12. Observations made by the Supreme Court in paragraph No.25 of the decision in case of **S.S. Chheena Vs. Vijay Kumar Mahajan and another - (2010) 12 SCC 190**, are relevant, which reads as under :

“25. Abetment involves a mental process of

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instigating a person or intentionally aiding a person in doing of a thing. Without a positive act on the part of the accused to instigate or aid in committing suicide, conviction cannot be sustained. The intention of the legislature and the ratio of the cases decided by this Court is clear that in order to convict a person under Section 306 IPC there has to be a clear mens rea to commit the offence. It also requires an active act or direct act which led the deceased to commit suicide seeing no option and that act must have been intended to push the deceased into such a position that he committed suicide.”

13. Similarly, in the case of **M.Mohan Vs. State Represented by the Deputy Superintendent of Police - (2011) 3 SCC 626**, the Supreme Court held in the context of abetment as follows: -

“44. Abetment involves a mental process of instigating a person or intentionally aiding a person in doing of a thing. Without a positive act on the part of the accused to instigate or aid in committing suicide, conviction cannot be sustained.

45. The intention of the legislature and the ratio of the cases decided by this court are clear that in order

to convict a person under section 306 IPC there has to be a clear mens rea to commit the offence. It also requires an active act or direct act which led the deceased to commit suicide seeing no option and this act must have been intended to push the deceased into such a position that he/she committed suicide.”

14. In the case of **Geo Varghese Vs. State of Rajasthan and another, 2021 SCC Online SC 873**, the Supreme Court held as follows : -

“23. What is required to constitute an alleged abetment of suicide under Section 306 IPC is there must be an allegation of either direct or indirect act of incitement to the commission of offence of suicide and mere allegations of harassment of the deceased by another person would not be sufficient in itself, unless, there are allegations of such actions on the part of the accused which compelled the commission of suicide. Further, if the person committing suicide is hypersensitive and the allegations attributed to the accused is otherwise not ordinarily expected to induce a similarly situated person to take the extreme step of committing suicide, it would be unsafe to hold the accused guilty of abetment of

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suicide. Thus, what is required is an examination of every case on its own facts and circumstances and keeping in consideration the surrounding circumstances as well, which may have bearing on the alleged action of the accused and the psyche of the deceased.”

15. In order to consider whether section 306 would apply to the facts in case, one would have to consider whether the essential ingredients of Section 107 of the Indian Penal Code are disclosed. Hence, it would be apposite to reproduce Sections 306 and 107 of the Indian Penal Code. The same read as under;

“306. Abetment of suicide – If any person commits suicide, whoever abets the commission of such suicide, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

107. Abetment of a thing — A person abets the doing of a thing, who — First — Instigates any person to do that thing; or Secondly — Engages with one or more other person or persons in any conspiracy for the doing of that thing, if an act or illegal omission takes place in pursuance of that conspiracy, and in order to

the doing of that thing; or Thirdly — Intentionally aids, by any act or illegal omission, the doing of that thing.”

16. In the case of **Ramesh Kumar V/s. State of Chhattisgarh – [2001] 9 SCC 618**, the Apex Court has observed in para as under;

“20. Instigation is to goad, urge forward, provoke, incite or or encourage to do “an act”. To satisfy the requirement of instigation through it is not necessary that actual words must be used to that effect or what constitutes instigation must necessarily and specifically be suggestive of the consequence. Yet a reasonable certainty to incite the consequence must be capable of being spelt out. The present one is not a case where the accused had by his acts or omission or by a continued course of conduct created such circumstances that the deceased was left with no other option except to commit suicide in which case an instigation may have been inferred. A word uttered in the fit of anger or emotion without intending the consequences to actually follow cannot be said to be instigation.”

17. Recently the Supreme Court in case of **Ude Singh and others .vrs. State of Haryana - 2019 SCC Online SC 924**, extensively

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surveyed the law in the field and summarized the principles in cases of alleged abetment of suicide. The relevant observations contained in paragraph nos. 16.1 and 16.2 reads as below :

“16.1. For the purpose of finding out if a person has abetted commission of suicide by another, the consideration would be if the accused is guilty of the act of instigation of the act of suicide. As explained and reiterated by this Court in the decisions above-referred, instigation means to goad, urge forward, provoke, incite or encourage to do an act. If the persons who committed suicide had been hypersensitive and the action of accused is otherwise not ordinarily expected to induce a similarly circumstanced person to commit suicide, it may not be safe to hold the accused guilty of abetment of suicide. But, on the other hand, if the accused by his acts and by his continuous course of conduct creates a situation which leads the deceased perceiving no other option except to commit suicide, the case may fall within the four-corners of Section 306 IPC. If the accused plays an active role in tarnishing the self-esteem and self-respect of the victim, which eventually draws the victim to

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commit suicide, the accused may be held guilty of abetment of suicide. The question of mens rea on the part of the accused in such cases would be examined with reference to the actual acts and deeds of the accused and if the acts and deeds are only of such nature where the accused intended nothing more than harassment or snap show of anger, a particular case may fall short of the offence of abetment of suicide. However, if the accused kept on irritating or annoying the deceased by words or deeds until the deceased reacted or was provoked, a particular case may be that of abetment of suicide. Such being the matter of delicate analysis of human behaviour, each case is required to be examined on its own facts, while taking note of all the surrounding factors having bearing on the actions and psyche of the accused and the deceased.

16.2. We may also observe that human mind could be affected and could react in myriad ways; and impact of one's action on the mind of another carries several imponderables. Similar actions are dealt with differently by different persons; and so far a particular person's reaction to any other human's action is concerned, there is no specific

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theorem or yardstick to estimate or assess the same. Even in regard to the factors related with the question of harassment of a girl, many factors are to be considered like age, personality, upbringing, rural or urban set ups, education etc. Even the response to the ill-action of eve-teasing and its impact on a young girl could also vary for a variety of factors, including those of background, selfconfidence and upbringing. Hence, each case is required to be dealt with on its own facts and circumstances.”

18. The term “Abetment” involves mental process of instigating a person or intentionally aiding a person in doing of a thing. Without positive act on the part of the accused to instigate or aid in committing suicide, no one can be convicted for offence under Section 306, IPC. To proceed against any person for the offence under Section 306 IPC it requires an active act or direct act which led the deceased to commit suicide, seeing no option and that act must have been intended to push the deceased into such a position that he committed suicide. There is nothing on record to show that the petitioner was instigating and harassing the deceased and further there is absolutely no material to allege that the petitioner abetted

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for suicide of the deceased within the meaning of Section 306, IPC.

19. Abetment involves a mental process of instigating a person or intentionally aiding a person in doing of a thing. Without a positive act on the part of the accused to instigate or aid in committing suicide, conviction cannot be sustained. The intention of the legislature and the ratio of the cases decided by the Supreme Court is clear that in order to convict a person under Section 306 IPC there has to be a clear mens rea to commit the offence. It also requires an active act or direct act which led the deceased to commit suicide seeing no option and that act must have been intended to push the deceased into such a position that he committed suicide.

20. In cases of alleged abetment of suicide, there must be a proof of direct or indirect act/s of incitement to the commission of suicide. It could hardly be disputed that the question of cause of a suicide, particularly in the context of an offence of abetment of suicide, remains a vexed one, involving multifaceted and complex attributes of human behaviour and responses/reactions. In the case of accusation for abetment of suicide, the Court would be looking for

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cogent and convincing proof of the act/s of incitement to the commission of suicide. In the case of suicide, mere allegation of harassment of the deceased by another person would not suffice unless there be such action on the part of the accused which compels the person to commit suicide; and such an offending action ought to be proximate to the time of occurrence. Whether a person has abetted in the commission of suicide by another or not, could only be gathered from the facts and circumstances of each case.

21. In case of **Chitresh Kumar Chopra v. State (Govt. of NCT of Delhi)** – [2009] 16 SCC 605 the Supreme Court has an occasion to delve upon the mental state of the person committing suicide. Endeavor was made to unfold the mental trauma of such person. It is apt to note the relevant observations made in that regard, which reads as below.

“20. In the background of this legal position, we may advert to the case at hand. The question as to what is the cause of a suicide has no easy answers because suicidal ideation and behaviours in human beings are complex and multifaceted.

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Different individuals in the same situation react and behave differently because of the personal meaning they add to each event, thus accounting for individual vulnerability to suicide. Each individual's suicidability pattern depends on his inner subjective experience of mental pain, fear and loss of self-respect. Each of these factors are crucial and exacerbating contributor to an individual's vulnerability to end his own life, which may either be an attempt for self-protection or an escapism from intolerable self."

22. In order to apply the aforementioned principles laid down by the Supreme Court and followed by this Court, it would be necessary to refer to the suicide note. The material available on record shows that besides suicidal note there is nothing to indicate that the petitioner has instigated the deceased to commit suicide. The oral report came to be lodged on 27.04.2014 i.e. after getting suicide note. Pertinent to note that on 13.04.2014 in the residential house of the informant [brother-in-law of deceased], the deceased consumed something and died on the following day. The informant has not lodged a report, however, after realizing the contents of

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suicide note, he went to police blaming the petitioner. The statement of witnesses does not spell anything but, everything revolves around the suicidal note and the letter written by deceased on the very day.

23. We have carefully examined the suicidal note which is titled as “Mrutyu Patra”, the deceased expressed that he has profound love on his wife and if she leaves him, then for whom he should live. He express that on and often the petitioner used to talk on phone with his wife due to which there used to be quarrel in between the couple. Finally on 14.01.2014 the deceased has called the petitioner to his house and at that time petitioner express that he is ready to leave his own family and also spoke arrogantly. At that time wife of deceased also said that, if petitioner would take divorce from his wife, then she would also take divorce. Therefore the petitioner thought that nothing has remained in his life and expressed to commit suicide. He stated that because of the affair in between the petitioner and his wife, he is taking the step. Besides that it is stated in the suicidal note that certain sum from his service benefits be disbursed to one peon namely Waghmare. Reference is needed that deceased was serving as Stenographer in the Court at

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Pauni. He has prepared suicide note, asked the informant to handover the envelope to the concerned Judge at Pauni. In the suicidal note deceased precisely expressed that he got disturbed and frustrated due to the affair and therefore, both are responsible for his death.

24. We have analyzed the contents of suicide note, the gist of which is stated above. We find that the contents of the suicidal note brings out total frustration of the deceased. It reveals that deceased was loving his wife very much, but, as she was willing to marry the petitioner, the deceased was disturbed. The petitioner was his friend however, he had relations with the wife of the deceased and therefore, deceased got frustrated. Rather the deceased a simple tone man was unable to tolerate the affair of his wife and the fact that his wife may marry with someone else. These things prominently surfaces from suicidal note which caused him to take such an extreme decision. Except the statement in the suicidal note that the petitioner was in relation with his wife, there is no material to show that petitioner did something amounting to instigation to commit suicide.

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25. In above referred decision in case of **Chitresh Chopra**, the Supreme Court has observed that each person's suicidability pattern is different from the other and each person has his own idea of self-esteem and self-respect. Thus it depends upon the mental capacity, level of tolerance, courage to face the reality etc. The entire allegations nowhere suggest any positive act on the part of the petitioner, except his relationship, rather extramarital relations, with the wife of the deceased. There is no element of continuous harassment on the part of the petitioner so as to state that the petitioner made such an atmosphere that there was no option left for the deceased, but to commit suicide. There is nothing on record to show that the petitioner had either approached to the deceased or persistently pressurized him for anything. Prima facie it is evident that the deceased was a family man, he could not tolerate the affair of his wife and that is why he blamed petitioner as a person or rather a cause which compelled him to take the decision.

26. Moreover there is considerable gap between the suicidal note written by deceased on 27.03.2014, with the act of consuming

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poison on 13.04.2014. There is no material to show as to in between whether petitioner has contacted to the deceased or said anything. It appears that deceased was in mental trauma, as to what is to be done when his beloved wife was not loyal to him.

27. Apart from that this case has a peculiar feature that the cause of death has not come before us. Needless to say that unless a suicidal death is established, the offence punishable under section 306 cannot be made out. True, the deceased was admitted to the hospital as a suspected case of poisoning. Viscera was preserved however, C.A. report does not reveal any poisonous substance. Medical Officer stated that exact cause of death cannot be opined. Contextually we have gone through the police report wherein it has been stated that on 13.04.2014 deceased had a dinner and then went to sleep. Nothing was found like empty bottle, pills etc. which could have given a clue as to what has been consumed by deceased. Since the deceased started vomiting, he was admitted into the hospital as a suspected case of poisoning. In the circumstances, the possibility of death by some other cause cannot be ruled out.

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28. Considering the judicial pronouncement as stated aforesaid and keeping the facts of the present case, in mind, and having regard to the parameters laid down by the Apex Court in the case of State of Haryana and Ors V/s Bhajan Lal, we do not find any impediment in quashing the proceedings in hand qua the petitioner. We may note, that there is nothing in the suicidal note to indicate that the petitioner had met the deceased, nor does the suicidal note spell out the acts (much less a positive act) done by the petitioner. There is nothing in the suicidal note nor anything in the statements showing that the petitioner in anyway instigated or conspired or intentionally aided to commit suicide. The requisite 'mens rea' necessary to constitute the offence, is missing. Apart from the suicide note, none of the statements of witnesses point to the complicity of the petitioner, not incriminating material against the petitioner.

29. In the instant case, the deceased was undoubtedly hypersensitive to ordinary petulance, discord and differences which happen in our day to day life. Human sensitivity of each individual differs from the other. Different people behave differently in the same situation. The deceased could not tolerate extra marital affair

of his wife.

30. Having perused the charge sheet and in particular, the suicide note, which is the basis for charging the petitioner with the aforesaid offence, we find that none of the ingredients of Section 107 are made out so as to attract Section 306 of the Indian Penal Code. We do not find from the material on record, that the petitioner, has in any way, either instigated or intentionally aided or conspired to commit the alleged offence punishable under Section 306 of the Indian Penal Code.

31. Applying the position of law, as set out in various decisions of Supreme Court to the facts of the present case, we are of the considered opinion that a case is made out for interdicting the criminal proceedings by quashing the FIR and the charge-sheet, for the reason that the material available on record does not indicate that the petitioner deserves to face trial for alleged offence punishable under Section 306 of the Indian Penal Code. While parting with this judgment, we must note that the petitioner ought to have restrained temptation of citing so many decisions of this Court,

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when already he has relied on several decisions of Supreme Court on the same point.

32. In view of above the Criminal Writ Petition is allowed. The first information report bearing Crime No.31/2014 dated 27.04.2014, registered with Police Station Karda, District Bhandara for the offence punishable under Section 306 of the Indian Penal Code along with the charge sheet is quashed and set aside, so far as it relates to the present petitioner. Rule made absolute in aforesaid terms.

33. Fees of the appointed Counsel for respondent no.2 be paid as per Rules.

JUDGE**JUDGE**