



Judgment

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

CRIMINAL APPLICATION [APL] NO. 1118 OF 2022.

1.Shrenik s/o Rajendra Munot,
Age 32 years, Occupation – Bank
Service, resident of Main Road,
Athodi Bazar, Pandharkawada,
Yavatmal, Maharashtra [445302].

2.Mayank s/o Narendra Bafna,
Age 30 years, Occupation – Business,
resident of Ward No.8, Near B.O.M.
Rajnandgaon, Chhatisgarh 491881.

... **APPLICANTS.**

VERSUS

1.State of Maharashtra,
through Police Station Gondia
Rural, Gondia, Maharashtra.

2.Kapil Pravinkunar Agrawal,
Age 36 years, Occupation -
Business, resident of Bamleshwari
Colony, Fulchur, Gondia, Tahsil
and District Gondia.

... **NON-APPLICANTS.**

Mr. M.V. Bambarde, Advocate for Applicants.
Mr. N.B. Jawade, A.P.P. for Non-applicant no.1 - State.
Mr. V.K. Nankani, Advocate for Non-applicant No.2.

Rgd.

**CORAM : VINAY JOSHI AND
M.W. CHANDWANI, JJ.**

DATE : NOVEMBER 02, 2023.

ORAL JUDGMENT (PER VINAY JOSHI, J.) :

Heard. Admit. By consent of the learned Counsel appearing for the respective parties, the matter is taken up for final disposal.

2. This is an application seeking to quash the first information report bearing Crime No.410/2021 registered with Gondia Rural Police Station, Gondia for the offence punishable under Sections 306, 511, 323, 504, 506, 507 read with Section 34 of the Indian Penal Code.

3. Earlier two accused namely Hitesh and Anurag have approached this Court for quashing of the first information report vide Criminal Application Nos. 1044/2021 and 1097/2021. Both applications were heard together and this Court vide order dated 22.06.2022 has quashed the first information report to their extent.

Rgd.

Undisputedly, a person who tried to commit suicide has fortunately survived and therefore, this Court took a view that there cannot be an offence punishable under Section 306 read with Section 511 of the Indian Penal Code. Particularly, this Court has expressed that invoking provisions of Section 306 read with Section 501 and 34 of the Indian Penal Code is misconceived, rather illegal.

4. The applicant claims the same analogy by stating that as the person who tried to commit suicide has survived and therefore, there cannot be an attempt to abate to commit suicide. It is clear that in order to attract the provisions of Section 306 of the Code, a person must commit suicide, however, as the person has survived, the offence is not complete. We have no reason to deviate from the reasoning recorded by this Court in the order referred above.

5. The learned A.P.P. after taking instructions makes a statement that besides Section 306 read with Section 504 of the Code, rest of the offences are non-cognizable in nature. In view of this, nothing survives in the matter, hence, we allow the application and quash and set aside the first information report bearing Crime

No.410/2021 registered with Gondia Rural Police Station, Gondia for the offence punishable under Sections 306, 511, 323, 504, 506, 507 read with Section 34 of the Indian Penal Code, so far as it relates to the applicants.

JUDGE

JUDGE