



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 2537 OF 2023

1. Sanjay S/o. Gajanan Tad,
(referred as Spruha's uncle in FIR),
Age : 54 years, Occu. : Nil., (Accused No.6)
 2. Dnyaneshwar s/o. Laxmikant Tad,
(referred as Pappu Tad in FIR),
Age : 21 years, Occu. : Agril., (Accused no.9)
 3. Dhanashri Laxmikant Tad,
(referred as Vijaylaxmi Dongre in FIR),
Age : 41 years, Occu. : Household, (Accused No.8)
- Applicant Nos.1 to 3 R/o. Balaji Nagar,
Dhoki, Tq. & Dist. Osmanabad.
4. Rajeshri Rajendra Tad,
Age : 48 years, Occu. : Housewife,
R/o. Balvani, Tq. Pandharpur, (Accused no.7)
Dist. Solapur.

... APPLICANTS.
(Orig. Accused Nos. 6 to 9)

VERSUS

1. The State of Maharashtra,
Through Police Inspector,
Vivekanand Chowk Police Station,
latur, Tq. & Dist. Latur.
2. Jyoti Amitkumar Raje,
Age : 43 years, Occu. : Service,
R/o. New Pragati Nagar,
LIC Colony, Latur.

...RESPONDENTS.

WITH

CRIMINAL APPLICATION NO. 4545 OF 2023

1. Spruha D/o. Suryakant Tad,
Aged : 17 years, Occu. : Student,

Since through her natural Guardian
Mother, Shailaja Suryakant Tad,
Aged : 47 years, Occu. : Household.

(Accused No.1)

2. Swaraj S/o. Suryakant Tad,
Aged : 15 years, Occu. : Student,
Since through her natural Guardian,
Mother, Shailaja Suryakant Tad,
Aged : 47 years, Occu. : Household,

(Accused No.2)

3. Shailaja Suryakant Tad,
Aged : 47 years, Occu. : Household,
All R/o. At Post Keshavkunj Apartment,
More Building, Vrundavan Colony,
Latur, Tq. & Dist. Latur.

(Accused No.3)

... APPLICANTS.

VERSUS

1. The State of Maharashtra,
Through the Investigating Officer,
Vivekanand Chowk Police Station,
Latur, Tq. & Dist. Latur.
2. The District Superintendent of Police,
Latur.

RESPONDENTS.

WITH

CRIMINAL APPLICATION NO. 255 OF 2024

Vishwajeet Mahesh Dongare,
(In FIR named as Vishwas Dongare)
Age : 23 years, Occu. : Education / Business,
R/o. Mangrul, Tq. Tuljapur, Dist. Osmanabad.

... APPLICANT
(Accused)

VERSUS

1. The State of Maharashtra,
Through Officer In-charge,
Police Station Vivekanand Chowk, Latur,
Dist. Latur.

2. Jyoti Amitkumar Raje,
Age : 43 years, Occu. : Service,
R/o. New Pragati Nagar,
L.I.C. Colony, Latur, Dist. Latur.
Mob. No. 8888268337

... RESPONDENTS.

...
*Mr. Tushar Shinde h/f. Mr. C. K. Shinde, Advocate for Applicants in
Cri.Appln/2537/2023*

Ms. Kavita S. Bhale, Advocate for Applicants in Cri.Appln./4545/2023.

*Mr. K. R. Yadav h/f. Mr. S. J. Salunke, Advocate for Applicants in
Cri.Appln/255/2024*

Mr. Shubham S. Kote, Advocate for Respondent No.2 (Appointed)

Dr.Kalpalata Patil Bharaswadkar, APP for Respondents – State.

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**CORAM : SMT. VIBHA KANKANWADI AND
ABHAY S. WAGHWASE, JJ.**

DATED : 20th AUGUST, 2024

ORDER (PER ABHAY S. WAGHWASE, J) :

1. All above applications are for exercise of powers under section 482 of the Code of Criminal Procedure (Cr.PC.) to quash FIR registered at Vivekanand Chowk Police Station, Latur bearing No.290 of 2023 for offence punishable under sections 294, 305, 324, 504, 506 r/w section 34 of Indian Penal Code (IPC).

2. Learned counsel for applicants pointed out that, above crime is on the basis of false allegation. He pointed out that, deceased and applicant no.1 Spruha in Criminal Application No.4545 of 2023 were interested in one boy. That, both girls are adolescent. That, they were on

cross terms in above background. Deceased daughter of informant allegedly committed suicide by hanging in her own house on 27.04.2023. That, there was no nexus to connect applicants with alleged suicide. It is pointed out that, the delayed FIR is lodged on 02.05.2023 which is apparently false and afterthought and out of annoyance on account of losing daughter. Learned counsel took this court through the FIR and pointed out that there is no material to show that in proximity to suicide applicants and deceased came in contact with each other by any mode. That, there is no material suggesting any positive act that too with *mens rea* in abetting, instigating or inducing deceased girl, who end up her life. Some episode of 25.04.2023 is reported by informant mother that too of which only she was party. Suicide is committed on 27.04.2023. It is pointed out that informant herself had been to the house of other girl and she had allegedly informed the events to deceased. That, there is no role whatsoever attributable to present applicants since 25.04.2023 to 27.04.2023 and therefore implication of applicants is apparently baseless and unwarranted and hence above prayers pressed into service.

3. Learned counsel for applicants in Criminal Application No. 4545 of 2023 also reiterated the story of informant and she too emphasized that there is false implication. That, applicant no.1 is a minor. That, she cannot be connected with the suicide committed by

informant daughter. According to learned counsel, though some instances took place at her place, it was mere attempt to settle the disputes and there was no any intention that deceased should commit suicide. She would stress that applicant no.1 was not in contact with the deceased for many days and therefore, when there is no specific role or participation in any manner, it is unjust to implicate a girl for the alleged suicide. Consequently, learned counsel also prays for quashment.

4. Learned counsel for applicants in Criminal Application No. 255 of 2024 pointed out that, this applicant is named merely for accompanying other applicants in the process of resolving dispute. He had nothing to do with alleged interest of girls. However, he is also named without attributing any specific roles or participation in the meeting of 25.04.2023. Resultantly, he also prays for quashment.

5. After hearing each of the side and on perusal of FIR and papers, it is emerging that, daughter of informant, namely Janhavi aged 17 years was studying in Sahyadri International School. Informant claims to have learnt from deceased daughter that applicant no.1 namely Spruha in Criminal Application No.4545 of 2023 was her school friend.

Informant claims that, on 19.04.2023 when she returned

from work, her daughter Janhavi complained of back pain and after visiting hospital and on returning home, her daughter further informed about the school friend i.e. applicant Spruha and about quarrels amongst them. Informant claims to have questioned her deceased daughter the reason of quarrel, upon which she told that Spruha had forwarded message containing abusive and filthy language with reference to informant and deceased. Therefore deceased visited house of Spruha on 18.04.2023 to question the same and at that time she was even beaten by Spruha and her brother, and she being pushed, thereby making her fall. According to informant, since then deceased Janhavi was upset, under shock and mental stress and had gone in depression. Indulgence of one Pandurang @ Bandu Kishave was sought by informant to give understanding to Dnyaneshwar Chavan and Vishwas Dongare on 21.04.2023. On 22.04.2023 informant, her daughter, Kishave, Dnyaneshwar and Vishwas together visited house of Spruha. There some heated exchange of words took place and according to informant, due to the same, her daughter was under fear.

6. Further according to informant, on 25.04.2023, while she was in the office, a phone call was received from Kishave, informing that Spruha's relatives had approached him in his office and therefore informant was called and she went to his office. There informant claims

that, all of them raised suspicion on her character as well as on the character of her daughter and abused them in filthy language. She has alleged that, she was forced to apologies and written apology was forcibly taken. On returning home, informant narrated the events upon which her daughter allegedly said that because of her she is getting defamed and her daughter had become helpless. On 27.04.2023, while informant was on duty around 11:30 a.m., she received news about Janhavi hanging herself in the room. Hence, the report.

7. After carefully examining the FIR, it is emerging that, deceased Janhavi and applicant Spruha are school friends. There was quarrel between both the girls. Report and FIR is silent about cause of quarrel. Informant herself claims that her daughter when being questioned about the reason of quarrel reported about some abusive message forwarded by Spruha. In above backdrop, some incidents between two girls had taken place on 19.04.2023, during which deceased was given beating by Spruha and her brother followed by issuing threats. After said incident, it is emerging that, there were meetings between informant, her deceased daughter Janhavi on one hand and Spruha and her family members i.e. on 22.04.2023, during which there were heated exchange of words. According to informant, since said episode her daughter was upset, in stress and fear. Again some episode appears to

have taken place on 25.04.2023, but during said episode deceased is apparently not present. Informant herself reported the events of 25.04.2023 to deceased daughter at their house and deceased reportedly committed suicide on 27.04.2023.

8. Taking such timelines and dates into consideration, and when no role is attributable to any of the above applicants in proximity to suicide dated 27.04.2023 regarding abetment, inducement or instigation with any ill intention, as pointed out, charge of section 305 of IPC is apparently misapplied and misdirected. In all, eight applicants are before this court. None of them are shown to be in contact with deceased since 22.04.2023 till 27.04.2023 in any manner or mode. Consequently, there is no justification to hold them responsible for suicide committed by her. Allegations are that, deceased was under stress, fear and depression, but it is evident that, relations between two girls are strained since 19.04.2023. Hence, when there is no material on the point of instigation, abetment or inducement, said charge of abetment to suicide by a minor is required to be struck down. Prima facie, there are allegations and material regarding commission of other offences, but definitely not for commission of offence under section 305 of IPC. Hence, following order :

ORDER

- (i) All criminal applications are partly allowed.
- (ii) The F.I.R. vide Crime bearing No.0290 of 2023, dated 02.05.2023 registered with Vivekanand Chowk Police Station, Latur, District Latur is quashed and set aside to the extent of offence punishable under section 305 of IPC only.
- (iii) Fees of learned Advocate appointed to represent the cause of respondent no.2 is quantified at Rs.5,000/- to be paid by High Court Legal Services Sub-Committee, Aurangabad.

(ABHAY S. WAGHWASE, J.)

(SMT. VIBHA KANKANWADI, J.)