

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL APPLICATION NO. 548 OF 2021

Arvind Hiralal Nazarkar and Anr.

...Applicants

Versus

The State of Maharashtra and
Anr.

...Respondents

....

Mr. Sarang S. Aradhye with Ms Gauri Velankar and Mr. Shantanu Gurav for the Applicants.

Mr. Ajay Patil, APP for Respondent No.1-State.

Mr. Bhushan Raut, appointed Advocate for Respondent No.2.

Mr. M.R. Shaikh, PSI, Mangalvedha Police Station, present.

**CORAM: SMT. ANUJA PRABHUDESSAI &
N.R. BORKAR, JJ.**

DATED: 31st JANUARY, 2024.

P.C.:-

1. This is an application under Section 482 of the Cr.PC. to quash the C.R. No.149 of 2021 registered at Mangalvedha Police Station, District-Solapur (rural), for the offences punishable under Sections 306 and 506 r/w 34 of the IPC.

2. The aforesaid crime was registered pursuant to the FIR dated 26/03/2021 lodged by Respondent No.2, brother of the deceased -Shailesh. The FIR indicates that the deceased-Shailesh

had committed suicide on 16/03/2021 by consuming insecticide. The FIR was lodged against the Applicants on the basis of a video clip in the mobile of the deceased indicating that he had availed loan from Ratanchand Shaha Co-operative Bank and that he had handed over money to Applicant No.1, the Manager of the Bank, towards repayment of loan. The deceased claimed that despite repayment of loan he was harassed by the Applicants being the Manager and Recovery Officer of the said Bank. Hence, the FIR for the offence under Section 306 of the IPC.

3. In view of the letter addressed by Respondent No.2 that he is unable to engage any Advocate, by order dated 3rd January, 2024, we appointed Mr. Bhushan Raut, learned Advocate from the legal aid panel to espouse the cause of Respondent No.2. Learned appointed Advocate on instructions states that Respondent No.2 is not interested in proceeding with the matter.

4. We have perused the FIR and the other material on record. The records reveal that the deceased, Shailesh, the brother of Respondent No.2, had committed suicide on 16/03/2021. The Applicants are alleged to have abetted his suicide. The only material

relied upon by the prosecution is the video clip wherein the deceased had purportedly alleged that despite repayment of the loan he was being harassed by these Applicants to repay the loan.

5. Learned APP concedes that the Investigating Officer has not prepared any transcript of the video clip. Apart from the statement in the FIR that such a video clip was found in the mobile of the deceased, there is absolutely no other material to indicate that these Applicants had in any manner instigated the deceased to commit suicide. Contents in the FIR and other material on record even if accepted in its entirety do not prove abetment within the meaning of Section 107 of the IPC. In such circumstances, compelling the Applicants to face criminal trial in such a serious offence will be sheer abuse of process of law.

6. Hence, the application is allowed. C.R. No.149 of 2021 registered at Mangalvedha Police Station, District-Solapur (rural) for the offences punishable under Sections 306 and 506 r/w 34 of the IPC is hereby quashed.

(N.R. BORKAR, J.)

(SMT. ANUJA PRABHUDESSAI, J.)