



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

Criminal Application (APL) No.991/2024

Ashok Uttamrao Nagdale,
Aged 73 years, Occ- Retired, R/o.-Plot No.85,
Near Vitthal Rukhmini Nagar, Sanjay Gandhi Nagar,
Hudkeshwar Road, Post Mhalgi Nagar, Nagpur. Appellant.

Versus

1. The State of Maharashtra, through
P.S.O. Samudrapur, Dist-Wardha.
2. Yogesh Subhash Savji (Kurwale),
Aged 24 years, Occ.-Private Service,
R/o.-Plot no.10, Joshi Wadi, Kukde Layout,
Nagpur. Non-applicants.

Mr. D.R. Rupnarayan, Advocate for applicant.
Mr. S.S. Doifode, APP for resp. no.1.

CORAM : Smt. Vibha Kankanwadi & Mrs. Vrushali V. Joshi, JJ
Date : 22-07-2024.

J u d g m e n t (Per Smt. Vibha Kankanwadi, J.)

. The present application has been filed under Section 482 of the Code of Criminal Procedure ("Cr.P.C.", for short), for quashing the FIR vide Crime No.287/2024 dated 15-03-2024 registered with Samudrapur Police Station, District Wardha for the offence punishable under Sections 306, 504, 506 r/w section 34 of the Indian Penal Code ("IPC", for short). The said FIR has been lodged by non-applicant no.2.

2. Heard learned Advocate for the applicant and learned APP for the State. It is not even necessary to issue notice to non-applicant no.2.

3. At the outset, it is to be noted that the FIR has been registered on 15-03-2024. The investigation appears to be still going on for the offence punishable under Section 306 of the IPC; yet only on the basis of contents of the FIR, it would be unjust to exercise our powers under Section 482 of the Cr.P.C. It also appears that a suicide note has been left by deceased Vaishali, who was the mother of non-applicant no.2. Investigation in respect of suicide note is yet undergoing. Another fact to be noted is that what has been annexed along with the present application is a typed copy of the alleged suicide note. We have therefore specifically asked the learned advocate of the applicant as to how he got the copy of the suicide note. He sought time and then again reported by taking instructions from his client that the dead body was found in the well and he had seen the said suicide note and then gave it to Police. We are afraid that there is nothing on record at this stage before this Court to appreciate those instructions. The relationship of the applicant with the other co-accused is required to be seen as well as with the deceased and the non-applicant no.2. In the FIR it is stated that deceased Vaishali was demanding her share from the property that was left by her grandmother from her brother Rajendra

Dagwar. However, Rajendra was refusing it and instances have been quoted and then it is stated that the present applicant who is the father-in-law of Rajendra has instigated Vaishali to commit suicide. It is to be noted that the present applicant ought to have waited for some period to complete the investigation and to see what evidence is collected in the matter. When proper documents are not coming forward, we are of the opinion that this is not a fit case where we can exercise our inherent powers. Application is rejected.

(Mrs. Vrushali V. Joshi, J.)

(Smt. Vibha Kankanwadi, J.)