



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

CRIMINAL WRIT PETITION NO.56/2024

(Smt. Sangita W/o Sanjay Rai Vs. State of Maharashtra and another)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. J.M. Gandhi, Counsel for the applicant.

CORAM: VINAY JOSHI AND MRS.VRUSHALI V. JOSHI, JJ.
DATED : 18.1.2024.

Heard.

2. This is an application seeking to quash F.I.R. in Crime No.1115/2023 registered by Police Station Pandharkawda, District Yavatmal for the offence punishable under Sections 306, 504 and 506 of the Indian Penal Code read with Section 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities Act), 1989.

3. One Sangita committed suicide on 26.9.2023 by consuming rat poison. After three days mother of deceased has lodged report. It is prosecution's case that deceased Sangita had borrowed sum of Rs.60,000/- from the accused and on account of security obtained a blank cheque. It is alleged that applicant has filled the cheque by putting figure of Rs.2,00,000/- and was insisting deceased to pay that much amount. Time to time applicant used to threaten deceased for payment. Police came to the deceased with a bailable warrant and within short time deceased returned after consuming poison and then died. It is informant's case that due to harassment meted by

applicant she has abetted deceased to commit suicide.

4. The learned Counsel appearing for the applicant would submit that the contents of F.I.R. are totally false. Certain documents have been produced to show that it was a hand-loan transaction. The applicant has filed a proceeding under Section 138 of the Negotiable Instruments Act for dishonour of cheque. In said proceedings matter has been settled and partially complied too. In the wake of such a decision there was no question of giving threats. Moreover it is submitted that issuance of warrant at the instance of applicant does not constitute an offence of abetment.

5. Issue notice to the non-applicants returnable after six weeks.

6. Mr. J.Y. Ghurde, learned A.P.P. waives notice for non-applicant No.1.

7. In the meanwhile, investigation shall go on and if till date chargesheet is not filed, it shall not be filed without obtaining leave of this Court.

(MRS.VRUSHALI V.JOSHI, J.)

(VINAY JOSHI, J.)