



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD**

**CRIMINAL APPLICATION NO.365 OF 2024**

Dada @ Shriram S/o Madhukar Jarange,  
Age-32 years, Occu:Agri. and Driver,  
R/o-Borwanti, Tq-Kallamb, Dist-Osmanabad.

**...APPLICANT**

**VERSUS**

- 1) The State of Maharashtra,  
Through Police Inspector,  
Osmanabad City Police Station,  
Tq. and Dist-Osmanabad,
- 2) Dada S/o Laxman Nagne,  
Age-52 years, Occu:Agri.,  
R/o-Mendhapur, Tq-Pandharpur,  
Dist-Solapur.

**...RESPONDENTS**

...  
Mr. R.D. Khadap Advocate for Applicant.  
Mr. V.K. Kotecha, A.P.P. for Respondent No.1.  
...

**CORAM: SMT. VIBHA KANKANWADI AND  
SANJAY A. DESHMUKH, JJ.**

**DATE : 21<sup>st</sup> FEBRUARY, 2025**

**ORDER [PER SMT. VIBHA KANKANWADI, J.] :**

1. Present Application has been filed for quashing the proceedings in R.C.C. No.175 of 2024 pending before the learned

Judicial Magistrate First Class, Osmanabad, arising out of the First Information Report (for short "the FIR") vide Crime No. 206 of 2023 registered with Osmanabad City Police Station, Osmanabad, District-Osmanabad for the offence punishable under Sections 498-A, 304-B, 306, 323, 504 read with Section 34 of the Indian Penal Code.

2. Heard learned Advocate for the applicant and learned APP for respondent No.1. Respondent No.2, though served, failed to appear.

3. With the help of learned Advocate for the applicant and learned APP, we have gone through the contents of the FIR as well as the charge-sheet.

4. It appears that the husband of deceased Pooja lodged the A.D. No.40 of 2023 under Section 174 of the Code of Criminal Procedure around 21.11 hours on 11<sup>th</sup> June 2023. In the A.D., it is stated that around 12.30 p.m. Sandeep Madhukar Jarange i.e. husband has taken their son to nearby garden on that day and came back around 1.00 p.m. By that time Pooja had locked the room besides kitchen and he was under impression that she

might have gone for sleep. He went in the room around 5.00 p.m. when Pooja had not come out. At that time he noticed that Pooja had hanged herself. Then the information was given to all the family members.

5. Respondent No.2 is the father of deceased Pooja. In his FIR, he states that Sandeep and Pooja got married on 1<sup>st</sup> January 2019 and they are blessed with a son, then aged 2 years. Even in the FIR, it is stated that since Sandeep was in the marketing business, he along with Pooja and son, were residing at Osmanabad though Sandeep's native place is Kallamb. They were residing in rented room in Osmanabad. Respondent No.2 has stated that for about a year Pooja was treated properly and they used to go to the in-laws house where the in-laws were residing with the present applicant, who is brother-in-law of Pooja. After 1 ½ years of marriage, Pooja started conveying to the father that the accused persons were harassing her with the demand of Rs.5,00,000/- to be brought by her from her parents for construction of the house. She was kept starved, abused and thereby there was mental and physical harassment. Husband used to assault her. The informant used to give words of advise

to Sandeep. According to the informant, because of the harassment Pooja committed suicide.

6. Documents on record i.e. charge-sheet would show that the probable cause of death is stated to be due to hanging and the place of incident i.e. place where Pooja had hanged herself was their rented room / house at Osmanabad. Admittedly, the present applicant, who is brother-in-law of Pooja, was not residing in the same room. The statements of the witnesses who are mainly the relatives of respondent No.2, would show that they have stated about the harassment only on the information that was given by Pooja to them, which was not just prior to 11<sup>th</sup> June 2023. Statement of witness Bharat Laxman Nagane, who is the uncle of deceased Pooja, would show that Pooja had given phone call to his son Amol around 9.15 p.m. of 10<sup>th</sup> June 2023 and witness Amol has also stated about talking to Pooja on the earlier night. But what Amol has stated is that Pooja told him about the quarrel between herself and Sandeep on account of payment of installments of the loan taken for the house. In the statement under Section 164 of the Code of Criminal Procedure also it has been so stated by Bharat and Amol. In addition, it has been stated by Bharat and Amol that around May, 2023 Pooja

had told them that quarrels were going on in her house on account of payment of installments of the loan. The loan was taken for construction of house by Sandeep and his brother. Sandeep and his brothers had taken a plot and they were repaying the loan installments, turn by turn. Thus, if the husband and his brothers were repaying the loan turn by turn, where was the question of harassment. Witness Amol, in addition, appears to have stated that Pooja told Sandeep that he should not repay the loan but save the money for their future and that was the point of dispute between Pooja and Sandeep. Statement of loan account with ICICI Bank, Kallamb branch, has been taken and it appears that the loan was in the name of Sandeep.

7. There appears to have been dispute earlier also between Pooja and Sandeep and an agreement / stamp paper has been got written on 1<sup>st</sup> January 2020 thereby both of them had agreed not to level any allegations against each other and the relatives will not interfere in their marital life. Thus, as regards the role of this applicant, who is the brother-in-law of Pooja, as afore stated, is concerned, there are no acts of abetment those have been stated. Even as regards the cruelty is concerned, it cannot

be accepted that he was doing any such act as he was not residing on the regular basis along with Pooja and Sandeep.

8. As regards the legal position in respect of offence under Section 306 of the Indian Penal Code is concerned, we would like to rely on *Dilip S/o Ramrao Shirasao and others vs. State of Maharashtra and another*, 2016 ALL MR (Cri) 4328, wherein this Court, relying upon the catena of the decisions of the Hon'ble Supreme Court including the decisions in *Sanju alias Sanjay Singh Sengar vs. State of Madhya Pradesh*, reported in 2002 Cri.L.J. 2796; *Madan Mohan Singh vs. State of Gujrat and another*, reported in (2010) 8 SCC 628; and in the *case of S.S. Chheena vs. Vijay Kumar Mahajan* reported in 2010 All MR (Cri) 3298 (S.C.), held that it is necessary for the prosecution to at least prima facie establish that the accused had an intention to aid or instigate or abet the deceased to commit suicide and in the absence of availability of such material, the accused cannot be compelled to face trial for the offence punishable under Section 306 of the Indian Penal Code. Further, it has been held that unless there is specific act of abetment only use of words 'abetment to commit suicide, or in case of offence under Section 498-A of the Indian Penal Code, use of word 'cruelty' or

'harassment' will not be sufficient even to attract the ingredients of the offence. It would be unjust to ask the applicant to face the trial and therefore, case is made out for exercise of powers under Section 482 of the Code of Criminal Procedure. Hence we pass following order:-

### **ORDER**

(I) The Application stands allowed.

(II) The proceedings in R.C.C. No.175 of 2024 pending before the learned Judicial Magistrate First Class, Osmanabad, arising out of the First Information Report vide Crime No. 206 of 2023 registered with Osmanabad City Police Station, Osmanabad, District-Osmanabad for the offence punishable under Sections 498-A, 304-B, 306, 323, 504 read with Section 34 of the Indian Penal Code, stands quashed and set aside as against applicant - Dada @ Shriram S/o Madhukar Jarange.

**[SANJAY A. DESHMUKH]  
JUDGE**

**[SMT. VIBHA KANKANWADI]  
JUDGE**