



IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

CRIMINAL APPLICATION NO. 1103 OF 2024

1. Aruna Devidas Pawar
Age: 39 years, Occ.: Household
R/o. Bhavsingpura, Shravasti Colony,
Aurangabad.
2. Anshu Devidas Pawar
Age: 17 years, Occ.: Education
Through Mother - Natural Guardian
Applicant no.1
3. Jayabai Tarachand Bhujange
Age: 50 years, Occ.: Household
R/o. Dikshabhumi Nagar, Harsool,
Aurangabad.
4. Manoj Tarachand Bhujange
Age: 34 years, Occ.: Business
R/o. As above.

... Applicants

Versus

1. The State of Maharashtra
Through Police Station Officer,
Cantonment Police Station, Aurangabad.
2. Commissioner of Police,
Aurangabad City,
At Police Commissioner Office,
Aurangabad.
3. Radhabai Devidas Wagh
Age: 50 years, Occ.: Household,
R/o. Nisarg Colony, Bhavsingpura,
Chhavani, Tq. Dist. Aurangabad.

... Respondents

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Mr. Vikrant S. Palsikar, Advocate for Applicants.

Mr. A. D. Wange, APP for Respondent Nos.1 and 2.

Mr. C. V. Bodkhe, Advocate for Respondent No.3. (Appointed).

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

DATE : 27th June, 2025.

ORDER: (Per Sanjay A. Deshmukh, J.)

1 Heard the learned advocates for the respective parties.

2 This application is filed under Section 482 of the Code of Criminal Procedure, 1973 (for short "the Cr.P.C.") initially for quashing of the FIR bearing Crime No.0056 of 2024, dated 31st January, 2024, registered at Cantonment (Chhavani) Police Station, District Chhatrapati Sambhajnagar (Aurangabad), for the offences punishable under Sections 306, 323, 504 and 506 read with 34 of the Indian Penal Code, 1860 (for short "the IPC"), and later on by way of amendment, for quashing of the consequential charge-sheet bearing No.206 of 2024, dated 27th December, 2024.

3 Respondent No.3 / informant averred in the report that she is residing along with her family. Her brothers namely Devidas

Shivnath Pawar and Santosh Shivnath Pawar, resided with their respective families at Shravasti Colony, Bhavsingpura, Chhatrapati Sambhajnagar. The wife of her brother Devidas i.e. applicant No.1, resided at her parental home at village Harsool, Chhatrapati Sambhajnagar alongwith her children. Occasionally, she visited Shravasti Colony, Bhavsingpura alongwith her children.

4 The informant further averred that on 1st January, 2024, in between 10:30 am to 11:30 am, the applicants came to the house of the informant's brother. Due to a previous quarrel between applicant No.1 and the informant's brother, they abused and slapped him in the presence of the neighbours namely Bebinanda Khobragade, Raybhan Wagh, and Rashvantibai Satadive. Furthermore, applicant No.2 threatened to kill the informant's brother. Thereafter, the informant's brother, Devidas Pawar, committed suicide by hanging himself with the electric wire. This incident took place at about 07:30 pm on 1st January, 2024. The informant's brother Devidas was found unconscious and was immediately admitted for medical treatment to the Ghati Hospital, Aurangabad, where the attending medical officer declared him dead at 11:15 pm on the same night. Thereafter, the informant lodged the report on 31st January, 2024.

5 The learned counsel for the applicants submits that the

applicants are falsely implicated in the crime. There is inordinate delay caused in lodging the report. There is no cogent and acceptable evidence against the applicants. Vague and general allegations are made against the applicants. He lastly prayed to allow the application.

6 The learned APP for the State strongly opposed the application and submitted that the applicants are involved in the serious crime. Their names are mentioned in the report. They have instigated the brother of informant to commit suicide. He lastly prayed to reject the application.

7 The learned counsel for the informant / respondent No.3 also strongly opposed the application. He submitted that the names of the applicants are mentioned in the report. They are involved in serious crime. They have committed anti-social crime. They abetted Devidas to commit suicide. He lastly prayed to reject the application.

8 Here, it is relevant to refer to the decision of the Honourable Supreme Court in ***Mohammad Wajid and Another Vs. State of U.P. and Another***, reported in, ***2023 SCC Online SC 951; 2023 INSC 683***, whereunder the Honourable Supreme Court held thus:-

“34. it will not be just enough for the Court to look into

the averments made in the FIR/complaint alone for the purpose of ascertaining whether the necessary ingredients to constitute the alleged offence are disclosed or not. In frivolous or vexatious proceedings, the Court owes a duty to look into many other attending circumstances emerging from the record of the case over and above the averments and, if need be, with due care and circumspection try to read in between the lines. The Court while exercising its jurisdiction under Section 482 of the CrPC or Article 226 of the Constitution need not restrict itself only to the stage of a case but is empowered to take into account the overall circumstances leading to the initiation/registration of the case as well as the materials collected in the course of investigation....”

9 A reference also can be made to the judgment in the case of ***CBI Vs. Aryan Singh***, reported in, ***2023 SCC Online SC 379***, in which the Honourable Supreme Court held as under:-

“Para 10... As per the cardinal principle of law, at the stage of discharge and/or quashing of the criminal proceedings, while exercising the powers under Section 482 Cr. P.C., the Court is not required to conduct the mini trial.”

10 We have perused the charge-sheet, particularly, the report and the statements of witnesses. The witnesses have stated similar facts as stated by the informant in the report.

11 As per Section 107 of the IPC, there must be an abetment to commit suicide soon before the death for which punishment is provided under Section 306 of the IPC. Merely because the son of the deceased has beaten and abused the deceased i.e. brother of the informant, does not mean abetment to commit suicide. In such circumstances, in absence of evidence of abetment to commit suicide, if the applicants are asked to face the trial, it would certainly be an abuse of the process of Court. Thus, the essential ingredients of Sections 306, 323, 504 and 506 of the IPC are not establishing against the applicants. We are therefore, inclined to allow the application by exercising our inherent powers under Section 482 of the Cr.P.C. in the interest of justice and to prevent the abuse of the process of the Court. The application, therefore, deserves to be allowed. Hence, the following order:-

ORDER

- I. The application is allowed in terms of prayer clauses (B) and (BB).
- II. The fees of Mr. C. V. Bodkhe learned appointed counsel for respondent No.3 is quantified at Rs.7,000/- and it is to be paid through the High Court Legal Services Sub-Committee, Aurangabad.

[SANJAY A. DESHMUKH, J.] [SMT. VIBHA KANKANWADI, J.]