



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO.1719 OF 2024

1. Sachin Gangadhar Gunjal
Age: 38 years, Occu.: Service in Army,
R/o. Gunjalwadi, Tq. Sangamner,
District Ahmednagar
2. Gangadhar Tukaram Gunjal
Age: 69 years, Occu.: Agri.,
R/o. As above.
3. Mandatai Gangadhar Gunjal,
Age: 64 years, Occu.: Business & Agri.,
R/o. As above.

.. Applicants

Versus

1. The State of Maharashtra
Through the Police Station,
Sangamner City, Tq. Sangamner,
District Ahmednagar.
2. Sushant Sakharam Kashid
Age: 35 years, Occu.: Service,
R/o. Ghulewadi, Tq. Sangamner,
District Ahmednagar.

.. Respondents

...

Mr. G. J. Kore, Advocate for the applicants.

Mr. N. R. Dayama, APP for respondent No.1/State.

...

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

DATE : 04 FEBRUARY 2025

ORDER (Per Smt. Vibha Kankanwadi, J.) :-

. Present application has been filed by invoking the inherent powers of this Court under Section 482 of the Code of Criminal Procedure for quashing the FIR vide Crime No.52 of 2024 registered with Sangamner Police Station, District Ahmednagar for the offences punishable under Sections 306, 326, 504, 506 read with Section 34 of Indian Penal Code.

2. Heard learned Advocate Mr. G. J. Kore for the applicants and learned APP Mr. N. R. Dayama for respondent No.1/State. Respondent No.2 though served, failed to appear.

3. Learned Advocate for the applicants submits that it is not in dispute that the informant/respondent No.2's sister Swati got married to applicant No.1 in 2011. Her sister Sujata is giving marriage to another son of applicant No.2. Applicant No.1 and his parents applicant Nos.2 and 3 were residing at Gunjalwadi, Sangamner, however, the sister of the deceased and her husband i.e. another son of applicant Nos.2 and 3 are residing at Sinner. Applicant No.1 is serving in Army and, therefore, he used to come to the house twice or thrice in a year. It is also not in dispute that deceased Swati committed suicide around 6.00 p.m. on

19.01.2024 and at that time, applicant No.1 had come to Sangamner while on leave. In fact, as per the contention of the applicants, there was no abetment and even in the suicide note, deceased Swati has not blamed anybody for her suicide, yet with some ulterior motive, it appears that the FIR has been lodged. In the FIR, it is tried to be projected that Swati was treated properly for about a year and thereafter whenever applicant No.1 used to come to house, he used to raise suspicion over Swati's character, used to assault her on trifle grounds, used to ask her as to whom she use to give phone calls. All this was informed by Swati to informant. Thereafter, she had begotten daughter two years after the marriage, but even on the count that she has delivered a female child, she was assaulted. Swati used to be under pressure. The informant and her family members used to give words of advise to Swati that good thing will prevail. Applicant Nos.2 and 3 especially had prohibited Swati from visiting her parental home on the ground that she has not delivered a son. There was a meeting to that effect and everybody was advised. Applicant Nos.2 and 3 used to instigate applicant No.1 and thereafter applicant No.1 used to assault her. Swati was sustaining the said act of cruelty on the part of the applicants. Even around 5.00 p.m. on

18.01.2024, Swati had given a phone call on a mobile of the informant. At that time, informant asked about her well being, but Swati could speak few words that too in low voice. Informant thought that since her husband would come on leave, she would not have talked or would have talked in frightened condition. But on the next day around 6.00 p.m., applicant No.1 gave phone call to informant and asked him to come. When he went to the matrimonial home of Swati, applicant No.1 told him to go upstairs and see what his sister has done. He went upstairs, but found that the room was latched from inside. Even windows were closed. He then asked the applicants as to what had happened. They told that they do not know. Informant then tried to open the door forcibly, but it could not be opened. He then broke open the glass of the window and then found that Swati had hanged herself. Police were called and then she was taken down. The dead body was referred to hospital where she was declared dead and then the informant lodged the FIR. All this story is concocted. Everything had taken place in front of police. At that time itself the suicide note was found, however, that fact has been suppressed by respondent No.2. With all these allegations, the applicants need not be asked to face the trial.

4. Learned APP appearing for the State opposed the application. Respondent No.2 though served, failed to appear.

5. As the entire FIR has been reproduced earlier, we do not want to narrate it once again. We have seen the investigation papers. As aforesaid, the fact that Swati has committed suicide is not disputed and even the postmortem report states cause of death as hanging. Perusal of the spot panchanama would show that the door was broke open in presence of police and panchas. A chit was found stating that nobody should be held responsible for her death. She was fed up with the life. Her parents, brother and sister should not look after her children. It is reiterated that she has committed suicide as she is fed up with the life. Her Sarees should be given to her sister Sujata (Suja as referred in the suicide note). Thus, there is total suppression of the suicide note in the FIR. Another aspect to be noted is that Swati has two daughters and then it appears that the said point has been encashed. Now, in the suicide note also Swati says that her parents, brother and sister should not look after her children. Here, her real younger sister has been given in the marriage to the younger brother of applicant No.1, still she has written that she also should not look after her children, but then to support

her parents. Her sister Sujata has given statement that applicant No.1 used to keep other persons under pressure. If Swati used to commit small mistakes, still he used to abuse her and assault her. After Swati used to be assaulted, her in-laws never used to ask applicant No.1 as to why he is assaulting. Applicant Nos.2 and 3 used to harass Swati and even abuse her also i.e. both the sisters by saying that they are of no use. Thus, it is to be noted that she is giving a different story than the allegations in the FIR. This difference in the story will have to be counted, which could have been then the reason for committing suicide. Thus, when different stories are coming and there is suppression of suicide note by the other witnesses also, whose statements have been recorded i.e. mother and sister of the deceased, it would be an abuse of process of law to ask the applicants to face the trial. Hence, the following order :-

ORDER

- I) Criminal Application stands allowed.
- II) The FIR vide Crime No.52 of 2024 registered with Sangamner Police Station, District Ahmednagar for the offences punishable under Sections 306, 326, 504, 506 read with Section

34 of Indian Penal Code stands quashed and set aside as against the present applicants.

[SANJAY A. DESHMUKH]
JUDGE

[SMT. VIBHA KANKANWADI]
JUDGE

scm