



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

10 CRIMINAL APPLICATION NO. 2275 OF 2025

1. Digambar S/o. Devaba Mane,
Age : 47 Years, Occu. : Agri.,
R/o. Nai Abadi, Barad,
Tq. Mudkhed, Dist. Nanded.
2. Meerabai W/o. Digambar Mane,
Age : 42 Years, Occu. : Household & Agri.,
R/o. Nai Abadi, Barad,
Tq. Mudkhed, Dist. Nanded.
3. Sneha D/o. Digambar Mane,
Age : 23 Years, Occu. : Education,
R/o. Nai Abadi, Barad,
Tq. Mudkhed, Dist. Nanded.
4. Sanjivani D/o. Digambar Mane,
Age : 19 Years, Occu. : Education,
R/o. Nai Abadi, Barad,
Tq. Mudkhed, Dist. Nanded.
5. Raju S/o. Pandurang Mane,
Age : 37 Years, Occu. : Agri.,
R/o. Baheti Nagar, Barad,
Tq. Mudkhed, Dist. Nanded.

.... Applicants

VERSUS

1. The State of Maharashtra,
Through Police Station Barad,
Tq. Mudkhed, Dist. Nanded.
2. Balaji S/o. Namdev Bane,
Age : 55 Years, Occu. : Labour,
R/o. Matang Galli, Barad,
Tq. Mudkhed, Dist. Nanded.

.... Respondents

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Advocate for Applicants : Mr. Upendra B. Bilolikar
Addl. P.P. for Respondent No.1-State : Mr. P.S. Patil
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**CORAM : SMT. VIBHA KANKANWADI &
SANJAY A. DESHMUKH, JJ.**

Dated : 07th July 2025

PER COURT :-

1. The present application has been filed for quashing the First Information Report, vide C.R. No.0042 of 2025, dated 13.04.2025, registered with Barad Police Station, Dist. Nanded, for the offences punishable under Sections 108 and 351(2) of the Bharatiya Nyaya Sanhita, 2023.

2. Heard learned Advocate Mr. Upendra B. Bilolikar, for the applicants. No necessity to issue notice to respondent No.2/informant.

3. Learned Advocate for the applicants has vehemently taken us through the F.I.R. and submits that, in fact, the transaction has taken place was the sale transaction, but now, the informant wants to give a colour of loan transaction. Even if we taken the F.I.R. as it is, yet the ingredients of the offences cannot be said to have been, even *prima facie*, made out. Though the informant quotes about the incident that has taken place around 11.00 a.m. on 12.04.2025

and the suicide has been committed by the deceased around 03.00 p.m. on the same day, yet there is absolutely no intention on the part of the applicants that the deceased should commit suicide. He wants to rely upon the decision of this Court in ***Girish Sakharam Pampatwar Vs. The State of Maharashtra and Another, [2023 DGLS(Bom.) 3525]***.

4. Here, it is to be noted that the investigation is still going on. It appears that the sale transaction had taken place in the year 2019. The informant says that, in fact, he and his brother were in need of money i.e. an amount of Rs.2 Lakhs and therefore, they had taken the loan. However, applicant No.1 insisted that there should be a sale-deed. Accordingly, the sale-deed was in the name of applicant No.2. The informant further says that, around March 2023, he as well as his brother had returned the amount of Rs.2 Lakhs and had also given the amount of Rs.30,000/- towards the registration charges and it is stated that the said amount was returned in presence of certain witnesses. They were requested applicant Nos.1 and 2 to execute a repurchase document.

5. Deceased was the son of informant, and then, it is stated that he had intention to get the registry of the land in the name of family as early as possible since the amount has been returned. The informant states that though the sale-deed was in the name of

applicant No.2, the possession of the land was with him and the family was cultivating the land. Applicant Nos.1 and 2, thereafter, started to demand an amount of Rs.4,80,000/- i.e. by charging 5% interest for four years of returning the amount of Rs.2 Lakhs and refused to register the agricultural land in favour of the informant.

6. There is also an allegation regarding the incident dated 29.08.2024, wherein the informant and others were assaulted by the applicants. The informant categorically mentions that a meeting was organized before the *Tanta Mukti Committee* around 10.30 a.m. on 12.04.2025. Applicant Nos.1 and 2 had not attended the said meeting, but applicant No.1 and his nephew met the informant in the market place at Barad. Again, they threats to kill the informant and deceased if they failed to give the amount of Rs.4,80,000/-. It is then stated that, at that time, the other persons, who were present at the spot, separated them. Deceased was frightened and he left the place by saying that the applicants are not in a position to listen and thereafter, he committed suicide.

7. We are aware about the ingredients those are required to be, even *prima facie*, shown, of which we have taken note of in **Girish Sakharam Pampatwar (Supra)**. However, a fact in this matter is required to be considered as to whether such threats were given and

at that time, what was the stand. No doubt, it appears that the deceased and others have filed a civil suit i.e. R.C.S. No.52 of 2024, before the learned Judicial Magistrate First Class, Mudkhed, Dist. Nanded. It was for the partition, but it is to be noted that the informant has been made as a defendant. At this stage, we are not expressing that what was the real intention behind the execution of the sale-deed or whether there was a separate transaction in respect of the land, or then, oral agreement to return the land after the payment of the said loan. We are of the opinion that, at this stage, the investigation is required.

8. Further, in **Girish Sakharam Pampatwar (Supra)**, which is relied by the learned Advocate for the applicants, the charge-sheet was filed and therefore, the evidence collected was before this Court to take into consideration all the aspects. We do not want to stall the investigation and therefore, we do not find it to be a fit case where we should exercise our powers under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023. The application stands rejected at the threshold.

[SANJAY A. DESHMUKH]
JUDGE

[SMT. VIBHA KANKANWADI]
JUDGE