



IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

CRIMINAL APPLICATION NO.3081 OF 2023

- 1) Tatyaram S/o Sukhdev Landge,
Age-43 years, Occu:Retired Army,
R/o-Ghospuri,
Taluka and District-Ahmednagar,
- 2) Sudhir S/o Radhuji Karanjule,
Age-33 years, Occu:Army,
R/o-Padali, Post-Ranjangaon,
Taluka-Parner, District-Ahmednagar.

...APPLICANTS

VERSUS

- 1) The State of Maharashtra,
Through Police Station Officer,
Nagar Taluka Police Station,
Taluka and District-Ahmednagar,
- 2) Amol S/o Rajendra Landge,
Age-27 years, Occu:Agri.,
R/o-Tembhi Mala, Ghospuri,
Taluka and District-Ahmednagar.

...RESPONDENTS

...
Mr. Sudheer R. Zambare Advocate for Applicants.
Mr. G.A. Kulkarni, A.P.P. for Respondent No.1 – State.
Mr. R.R. Karpe Advocate for Respondent No.2.

...

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

DATE OF RESERVING ORDER : 13th FEBRUARY 2025

DATE OF PRONOUNCING ORDER : 11th MARCH 2025

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

1. Present Application has been filed, initially for quashing the First Information Report (for short "the FIR") vide Crime No. 501 of 2023, dated 16th June 2023, registered with Ahmednagar Taluka Police Station, Taluka and District-Ahmednagar for the offence punishable under Sections 306, 341, 504, 506 read with Section 34 of the Indian Penal Code, and by way of amendment for quashing the proceeding in R.C.C. No. 1245 of 2024 pending before the learned Chief Judicial Magistrate, Ahmednagar.

2. Heard learned Advocate Mr. Zambare for the applicants, learned APP Mr. Kulkarni for the State and learned Advocate Mr. Karpe for respondent No.2.

3. Learned Advocate appearing for the applicants has taken us through the contents of the FIR and the charge-sheet as well as the suicide note that is alleged to have been left by the deceased Rajendra. He submits that even after taking the facts as they are, yet they do not show that it was the intention of the

applicants that Rajendra should commit suicide. Even as per the FIR, Rajendra was intending to construct water storage tank in his field and then it is stated that it was resisted by present applicant Nos.1 and 2. Applicant No.1 is the son of distant cousin brother of deceased Rajendra. Respondent No.2 is still serving in Army and used to come to village occasionally. It is stated that applicant No.1 had obstructed the road going towards the field of Rajendra around 6.00 p.m. on 14th June 2023. Rajendra had tried to persuade Sukhdev – his distant cousin brother, Kamal – wife of Sukhdev and one Hanumant Landge. However, they refused to take tractor from that place and abused Rajendra and his daughter-in-law. The informant says that the family of the applicants was unnecessarily quarreling with the family of the informant and therefore, Rajendra was under mental stress. On 15th June 2023, Rajendra went to sleep on the cot near the cattle-shed in front of their house without taking the dinner. But around 7.00 a.m. of 16th June 2023, his daughter-in-law saw that Rajendra had hanged himself to tamarind tree in front of the house. The contents of the FIR do not show any specific act of abetment. The suicide note which is recovered, does not bear date. It also states that the accused persons used to give threats that Rajendra would be killed by shooting and he had taken

much pains to grow his trees in the field but the applicants are not allowing him to have water storage tank (शेत तळे) in the field. The duration is not given nor the suicide note says about the incident alleged to have taken place on 15th June 2023. The charge-sheet shows that on 15th June 2023 an application was made in the name of Tahsildar by deceased Rajendra, which was received by Tahsil Office on 19th June 2023. Another application is of the same date to the District Superintendent of Police and there is absolutely no mention of any incident that had taken place immediately prior to the suicide. Therefore, with this kind of evidence the applicants need not be asked to face the trial.

4. Per contra, the learned APP as well as learned Advocate for respondent No.2 strongly opposed the application and submitted that now the charge-sheet has been filed. Let there be trial, as the suicide note would be proved and when complaints were given to various authorities a day prior to committing suicide, then certainly the stress level on deceased was high and he felt that his problem will not be solved unless he commits suicide.

5. Most of the facts are already covered in the above paragraphs and therefore, we are considering only relevant facts to consider whether the offence has been made out or not. The

relationship is not denied. Though the charge-sheet is filed against in all 11 persons, only 2 persons are before this Court i.e. Tatyaram and Sudhir, who are accused Nos. 3 and 4 as per the charge-sheet. Applicant No.1 is the son of Sukhdev, who is the distant cousin brother of Rajendra. It is stated in the FIR that Rajendra and Sukhdev have their houses adjacent to each other and their agricultural lands are also adjacent to each other i.e. only boundary between the lands. It is stated that in the past also there used to be quarrels between the two families. A *Kachha* road goes in between two houses to go towards the agricultural land. But then it is stated by the informant that applicant No.1 restrains family of the informant from using the said road. There is no explanation by anybody, as to why they had not taken the matter to the Court or any other revenue authority. Merely stating that there is dispute in respect of the property or road to the property will not be sufficient.

6. The informant then says that they wanted to have water storage tank (शेत तळे) in Gut No.159 and therefore, they had started the work about five months prior to 16th June 2023. It was then resisted by applicant No.1 stating that pipeline to his land has gone through from the said portion of the land. Even

the brother-in-law of applicant No.1 also resisted the said act of construction of water storage tank on the same ground. Here again there is no explanation as to why the appropriate authority or Court was not approached when obstruction was raised. It is stated that brother-in-law of applicant No.1 i.e. applicant No.2 had threatened informant's brother Suhas on phone to that effect and then informant says that since then Rajendra was under mental tension. There is no question of mental tension when Rajendra could have approached the appropriate authorities to have redressal of his problem.

7. Then it is stated in the FIR that co-accused Popat, Datta, Kausabai, Aashabai, Deepali have their lands adjacent to the land of the informant and they were also picking quarrels on trifle grounds. This cannot be the reason to implicate them and the trifle ground cannot also be the ground for committing suicide. The land of all these persons is separate than the land of applicant No.1, therefore, question of common intention on their part does not arise at all. Interesting point to be noted is that accused No.11 Rajubai Handore is stated to be the lady who used to work as labour with the other accused persons and accused No.11 Rajubai used to take side of the co-accused in the quarrel and used to say something without any reason. Even on

this count she has been added as accused and even named in the suicide note. There was absolutely no such situation which would depict that deceased Rajendra had no alternative but to commit suicide.

8. The FIR then says about obstruction of the road by placing tractor by applicant No.1 at about 6.00 p.m. on 14th June 2023. The said tractor is stated to be placed in such a way to block the road. It is to be noted that this fact will not attract offence under Section 341 of the Indian Penal Code. The informant has not come with the case that there was no other road to go to their land and therefore, that was the resistance or restraint. For proving the offence of wrongful confinement, the person should have been wrongfully restrained or prevented from proceeding beyond certain circumscribing limits. Here, Rajendra and his family could have definitely gone to their field from other road.

9. The further fact says that around 8.00 p.m. on 15th June 2023 when Rajendra and his daughter-in-law had gone to persuade accused Sukhdev, Kamal and Hanumant, they were abused. It is not stated, at that time applicant Nos.1 and 2 were present and they had stated anything. Refusal to move the tractor and clear the obstruction cannot amount to an act of

abetment. As per the FIR itself, Sukhdev or Tatyaram had their own reason for resisting Rajendra and his family from constructing the water storage tank. If the civil rights of Rajendra and his family were affected due to the act of applicant No.1, Rajendra and his family ought to have then approached the Civil Court for redressal of their grievances.

10. Even if we consider the suicide note as it is, it gives the same picture. In the suicide note, it is stated that Tatyaram has given harassment to Rajendra and according to Rajendra, Tatyaram was using the portion of Rajendra's land for to and fro and therefore, Rajendra asked him to go by one side. At that time Tatyaram stated that he is Major (ex-army man) and his four brother-in-laws are in Army. They can shoot Rajendra. When this incident has happened, that has not been stated. Then it is stated that applicant No.2 had gone to Rajendra's house and gave threat to kill. Again date is missing. When admittedly applicant No.2 is serving in Army, unless his leave would have been sanctioned, he would not have come to the village. All the while it is stated that threats to kill were given. Neither in the suicide note nor in the FIR it is stated, as to why they had not approached the Police for lodging the FIR.

11. In the charge-sheet, two applications have been found to have been annexed, out of which one was received by Tahsil Office through post, which appears to be dated 15th June 2023, received by Tahsil Office on 19th June 2023, wherein there is statement that due to the harassment, Rajendra is committing suicide and then there are names of 11 persons. Similar application was given to the Office of District Superintendent of Police.

12. We would like to rely on the decision of this Court in *Dilip S/o Ramrao Shirasao and others vs. State of Maharashtra and another*, 2016 ALL MR (Cri) 4328, and the decisions of the Hon'ble Apex Court in *Sanju alias Sanjay Singh Sengar vs. State of Madhya Pradesh*, 2002 Cri.L.J. 2796; *Madan Mohan Singh vs. State of Gujrat and another*, reported in (2010) 8 SCC 628; *S.S. Chheena vs. Vijay Kumar Mahajan* reported in 2010 All MR (Cri) 3298 (S.C.), *Chitresh Kumar Chopra vs. State (Govt. of NCT of Delhi)* (2009) 16 SCC 605, *Swamy Prahaladdas vs. State of M.P. & Anr.*, 1995 Supp. (3) SCC 438, *Mahendra Singh vs. State of M.P.*, 1995 Supp.(3) SCC 731, *Ramesh Kumar vs. State of Chhattisgarh* (2001) 9 SCC 618, *State of Kerala and*

others vs. S. Unnikrishnan Nair and others, reported in AIR 2015 Supreme Court 3351, wherein the law has been made clear.

13. Taking into consideration the said law and the facts of the case, no active role is attributed to the applicants and therefore, it does not amount to abetment as contemplated under Section 107 with Section 306 of the Indian Penal Code. The inquest panchnama, postmortem report, spot panchnama would certainly show the fact of suicide, but the evidence collected in the charge-sheet does not even prima facie attract the ingredients of the offence under which the charge-sheet is filed. The statements of the witnesses are also on the same line and therefore, with this kind of evidence, it would be unjust to ask the applicants to face the trial. Hence, we pass following order:-

ORDER

(I) The Application stands allowed.

(II) The proceedings in R.C.C. No. 1245 of 2024 pending before the learned Chief Judicial Magistrate, Ahmednagar, arising out of the First Information Report vide Crime No. 501 of 2023, dated

16th June 2023, registered with Ahmednagar Taluka Police Station, Taluka and District-Ahmednagar for the offence punishable under Sections 306, 341, 504, 506 read with Section 34 of the Indian Penal Code, stands quashed and set aside as against applicant No.1 - Tatyaram S/o Sukhdev Landge and applicant No.2 - Sudhir S/o Radhuji Karanjule.

[SANJAY A. DESHMUKH]
JUDGE

[SMT. VIBHA KANKANWADI]
JUDGE

asb/MAR25