



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

38 CRIMINAL APPLICATION NO. 3815 OF 2023

Karamajeet singh S/o Charansingh Karala,
Age:59 years Occu: Bussiness,
R/o. H.N. 2-11-265, Gowardhan Ghat,
Near Mumbadevi Temple, Nanded,
Tq. and Dist. Nanded ... Applicant

Versus

- 1] The State of Maharashtra
Through: Bhagyanagar Police Station,
Nanded, Tq. and Dist. Nanded
- 2] Jyoti W/o Yayati Munde,
Age: 29 years, Occu. Household,
R/o. Anjana Nivas, Rajgad Nagar,
Near Madhavrao Patil School Taroda (BK),
Tq. and Dist. Nanded. ... Respondents

Mr. Govind G. Suryawanshi, Advocate for Applicant;
Mr. S. S. Dande, APP for Respondent No.1-State;
Mr. Pradeep B. Salunke, Advocate for Respondent No.2 (Appointed
Through Legal Aid)

**CORAM : SMT. VIBHA KANKANWADI &
MANJUSHA DESHPANDE, JJ.**

DATE : 16th APRIL, 2025

ORDER: (PER SMT. VIBHA KANKANWADI, J.)

1. The present application has been filed for quashment of the
FIR vide C.R. No.263 of 2021 dated 8th August 2021, registered with
Bhagyanagar Police Station, Nanded for the offences punishable under
Section 306 read with Section 34 of the Indian Penal Code (for short,

“IPC”).

2. Heard learned Advocate for the Applicant, learned APP for Respondent No.1-State and learned Advocate appointed through Legal Aid for Respondent No.2.

3. Learned Advocate for the Applicant has taken us through the contents of the FIR and submits that even the FIR is taken as it is on the face of it, yet the ingredients of Section 306 of the IPC are not attracted. The present Applicant is stated to be one of the persons, who had extended handloan to the deceased. The deceased was the husband of the informant and the informant states that as the said amount was not repaid, all the accused persons used to harass the deceased and because of the same, the deceased has committed suicide. Learned Advocate for the Applicant also points out the decision of this Court in *Jitendra Nagnathrao Surnar Vs. State of Maharashtra & Ors.* (Criminal Application No.1223 of 2022 with companion matters) in which, some of the co-accused had approached this Court for quashment of the FIR and by order dated 13th January 2023, the FIR has been quashed and set aside as against them. The present Applicant is on the same footing. There are no instances of any instigation by the present Applicant to the deceased given in the FIR.

4. Learned Advocate for Respondent No.2 also relies on the supplementary statement of the informant, which was recorded on 14th August 2021, wherein she had further explained that 15 days prior to the suicide by her husband, seven persons had gone to her house and demanded the amount towards interest to her husband and abused him. One co-accused-Karamjitsingh Bedi had taken away the Innova Car owned by her husband towards the interest amount. She then states that Jitendra Surnar and Sanjay Jogdand used to come to her house under the influence of liquor abused the deceased, even co-accused Gurumitsingh Tuteja and Sameer Tambewar also used to sit in the house of the informant two hours, therefore, her husband was under mental tension and, therefore, he committed suicide. Since, there is possibility of evidence against the Applicant, this cannot be fit case for quashment under Section 482 of the Code of Criminal Procedure (for short, “Cr.P.C.”).

5. At the outset, it is to be noted that though the FIR has been registered way back on 8th August 2021, it appears that the charge-sheet is not yet filed, but on the basis of whatever evidence was made available before this Court i.e. the earlier bench which had considered the applications by co-accused had taken note of all those factors, the pieces of evidence and by giving a detailed order had quashed the said

FIR against the co-accused. Now the learned Advocate for Respondent No.2 wants to rely on the supplementary statement giving some activity to co-accused Jitendra Surnar and Sanjay Jogdand in Criminal Application Nos.1223 of 2022 and 1224 of 2022, were filed by these two persons and their applications were allowed. In that supplementary statement, no specific role was attributed to the present Applicant's presence in the house of the informant was disclosed and that incident is stated to have taken place 15 days prior to the suicide. In fact, there has to be a nexus between the act and the suicide and for this purpose, we want to rely on *R. Shashirekha Vs. State of Karnataka & Ors. (2015 INSC 402)*. We agree with the reasons given by the Coordinate Bench in its order dated 13th January 2023, wherein the legal position in respect of Section 306 of the Indian Penal Code was considered. Apart from those decisions which have been relied in that matter, we want to rely on the decision in *Dilip Ramrao Shirasao & Ors. Vs. State of Maharashtra & Anr.* [2016 All MR (Cri.) 4328], *Sanju alias Sanjay Singh Sengar Vs. State of Madhya Pradesh* [2002 Cri.L.J. 2796], *Madan Mohan Singh Vs. State of Gujarat & Anr.* [(2010) 8 SCC 628] and *S. S. Chheena Vs. Vijay Kumar Mahajan* [2010 All MR (Cri) 3298 (S.C.)] .

6. When amount was due towards the present Applicant and if

he was demanding the said amount, then it cannot per se amount to an instigation or abatement of course in some matters. The way of instigation may defer and in that event, it may amount to harassment, but in this case, there is absolutely no specific role attributed to the present Applicant and, therefore, this is a fit case where we should exercise our powers under Section 482 of the Cr.PC. Hence, following order:-

ORDER

- (i) Application, therefore, stands allowed.
- (ii) The FIR vide C.R. No.263 of 2021 dated 8th August 2021, registered with Bhagyanagar Police Station, Nanded, for the offences punishable under Section 306 read with Section 34 of the Indian Penal Code stands quashed and set aside as against the Applicant.

[MANJUSHA DESHPANDE, J.]

[SMT. VIBHA KANKANWADI, J.]