

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO.607 OF 2022

1. Sandeep s/o. Hanmant Wadje,
2. Ravanbai Hanmant Wadje,
3. Hanmant Sakharam Wadje,

*(Application dismissed against  
applicant nos.1 to 3 as per  
Court's order dated 07.03.2022)*

4. Pranita Hanmant Wadje,
  5. Shilatai w/o. Anil Patil
- ..Applicants

Vs.

The State of Maharashtra  
and anr.

..Respondents

----

Mr.Avinash Suryawanshi, Advocate for applicants  
Mr.M.M.Nerlikar, APP for respondent no.1  
Mr.D.A.Karnik, Advocate (appointed) for respondent no.2

----

CORAM : R.G.AVACHAT AND  
SANJAY A. DESHMUKH, JJ.  
DATE : JULY 18, 2023

ORDER :-

Heard.

2. This is an application under Section 482 of the Code of Criminal Procedure for quashment of the FIR being Crime No.522 of 2021, registered with Degloor Police Station, Tq. Degloor, Dist. Nanded, for the offence punishable under Sections 306, 498-A read with Section 34 of Indian Penal Code and the consequential

proceedings, i.e., Sessions Case No.56 of 2022, pending before learned Addl. Sessions Judge, Biloli.

3. The application has already been dismissed as against applicant nos.1 to 3.

4. The facts are very unfortunate. The FIR has been lodged by the widow of the deceased - Shankar on 14.11.2021.

The gist of the prosecution case, as is disclosed from the FIR, is that Madhuri (deceased) married the co-accused - Sandeep in July, 2020. Sandeep was serving at Pune. After a brief stay at her matrimonial home at village Undri, Tq. Degloor, she started residing with her husband - Sandeep at Pune. Applicant nos.4 and 5, sisters-in-law of Madhuri, were residing with Sandeep and Madhuri at Pune. Sandeep and both applicants would ill-treat Madhuri so as to coerce her to fetch Rs.5 Lakhs for purchase of a four-wheeler and plot. Even, in March, 2021, the co-accused - Sandeep sent Madhuri to her parental home. Since then, she has been residing along with her parents at village Sugaon. It further appears that the efforts for reconciliation failed since Sandeep and other co-accused insisted for payment of Rs.5 Lakhs, as a condition precedent to get Madhuri back to her matrimonial home.

5. In the intervening night of 13<sup>th</sup> and 14<sup>th</sup> November, 2021, Shankar, father of Madhuri, committed suicide by hanging in the up-stair premises. He left behind a suicide note. It has been averred therein that he was harassed and illtreated by his sister – Ravanbai (co-accused), mother of Sandeep, and her family members. The names of applicant nos.4 and 5 did not figure in the suicide note. Same suggests that the deceased Shankar did not have any grievance against applicant nos.4 and 5. These applicants, therefore, could not even remotely be considered to be connected with the reasons behind the deceased Shankar committing suicide. Although, in the FIR, these applicants are alleged to have illtreated Madhuri and the same was the reason behind Shankar committing suicide, there was no *causa causans*. The alleged illtreatment by these applicants cannot be said to be direct cause of Sankar committing suicide. In our view, therefore, these applicants are entitled for the relief of quashment of the FIR and consequential charge sheet in relation to offence under Section 306 of Indian Penal Code.

6. As regards the offence under Section 498-A of Indian Penal Code, the averments in the FIR are vague, general and omnibus. No specific incident of illtreatment has been averred

therein. Madhuri died same day her father committed suicide. It is not the prosecution case that she died as a result of the illtreatment/harassment meted out to her by these applicants. As such, direct evidence as regards the alleged illtreatment by these applicants, is not available in view of death of Madhuri. As regards the statements of the relations of Madhuri to establish that Madhuri had related her woes, the statements are necessarily hearsay.

7. In view of the above, we are inclined to allow the application. The application is, thus, allowed in terms of prayer clauses (B) and (G), qua applicant nos.4 and 5.

8. The observations herein above are *prima facie* in nature and so far as regards present applicants are concerned.

9. Fee of learned counsel appointed to represent respondents no.2 is quantified at Rs.8,000/- (Rupees Eight Thousand).

[SANJAY A. DESHMUKH, J.]

[R.G. AVACHAT, J.]

KBP