

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

APPELLATE SIDE JURISDICTION

CRIMINAL WRIT PETITION NO.: 16 OF 2015

1. **Vinod S/o Jibhau Patil,**
Age 30 years, Occu. Labour,
R/o Gandhi Nagar, Udana Yard,
Niligini Society, Plot No.118,
Surat (Gujrat State).
2. **Jibhau S/o Digambar Patil,**
Age: 65 years, Occu.: Nil,
R/o as above.
3. **Sundarbhai W/o Jibhau Patil,**
Age: 62 years, Occu.: Household,
R/o as above.
4. **Ashabai W/o Sunil Patil,**
Age: 45 years, Occu.: Household,
R/o Plot No.97, Vinoba Nagar,
Udana Yard, Surat (G. S.).
5. **Sunil S/o Magan Patil,**
Age: 50 years,
R/o as above.
6. **Dhanraj S/o Digambar Patil,**
Age: 70 years, Occu.: Nil.
R/o Ghanegaon, Taluka
and District Dhule.
7. **Nanabhau S/o Digambar Patil,**
Age: 68 years, Occu. Nil.
R/o as above.
8. **Prabhakar S/o Digambar Patil,**
Age: 50 years, Occu.: Labour,
R/o as above.

9. **Naththu Gangaram Chitte,**
Age: 60 years, Occu.: Nil,
R/o Vardhane, Taluka Sakri,
District Dhule.
10. **Jijabai Chindha Wagh,**
Age: 76 years, Occ. Household,
R/o Lamkane, Taluka and
District Dhule.
11. **Subhash S/o Jibhau Patil,**
Age: 35 years, Occu.: Labour,
R/o Gandhi Nagar, Udana Yard,
Niligini Society, Plot No.118,
Surat (Gujrat State).
12. **Ninabai Subhash Patil,**
Age: 25 years, Occu.: Household,
R/o as above.

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PETITIONERS
[ORIG.ACCUSED]

VERSUS

1. **The State of Maharashtra,**
Through Secretry, Home
Department, Maharashtra
State, Mantralaya, Mumbai.
2. **The Police Officer,**
Police Station, Songir,
District Dhule.
3. **Manisha Vinod Patil,**
Age: 25 years, Occu. Household,
R/o Lamkani, Taluka and
District Dhule.

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RESPONDENTS

Advocate for the Applicants: Mr. Khandagale Patil P.P.
APP for Respondent Nos.1 & 2: Mr. B. L. Dhus.
Advocate for Respondent No.3: Mrs. S. T. Kazi.

**CORAM:- T. V. NALAWADE &
SMT. I. K. JAIN, JJ.
DATED:- 27th MARCH, 2015.**

JUDGMENT [PER SMT.I.K.JAIN, J.]:

Rule. Rule made returnable forthwith. By consent heard both sides for final disposal. Learned AP.P. is also heard.

2. The proceeding is filed under Articles 226 and 227 of the Constitution of India and Section 482 of the Code of Criminal Procedure for quashing FIR No.105 of 2014 registered at Songir Police Station, District Dhule for offences punishable under Sections 498-A, 506, 406, 504 read with 34 of the Indian Penal Code.

3. Learned counsel for the Petitioners submits on instructions that he wants to withdraw the petition in respect to Petitioner Nos.1 to 3. Petition being withdrawn is to be disposed of to that extent.

4. We have heard the parties in respect to Petitioner Nos.4 to 12.

5. On perusal of record it can be seen that Crime is registered on the basis of report lodged by Respondent No.3

Manisha Vinod Patil. Respondent No.3 Manisha was married to Petitioner No.1 Vinod Jibhau Patil on 23rd February, 2003 as per Hindu rites and customs. Petitioner Nos.2 and 3 are her father-in-law and mother-in-law respectively. Petitioners 4 to 12 are the relatives of husband of complainant.

6. It is the case of the complainant-wife that after marriage initially she was treated well by her husband and others in the family. Thereafter, they started illtreating her on demand of Rs.5 Lakhs for purchase of a vehicle. She alleged that her husband was implicated in a theft case and since then he was not doing anything. He used to consume liquor and abuse the complainant for not bringing money from her father. She stated that the other accused - relatives were instigating her husband. She was kept without food. Petitioner Nos.4 to 12 used to visit her house. They instigated her husband and in-laws to insist the complainant to bring Rs.5 Lakhs from her father for purchase of vehicle. According to complainant her husband, mother-in-law, father-in-law, brother-in-law and wife of brother-in-law removed gold ornaments given to her in marriage. She was harassed as she had no issue. She was tired of mental and physical illtreatment at the hands of her husband and his relatives. So, before 5 years she came to her maternal house. She was hopeful that in passage of time her

husband and others in the family would improve their behaviour. But, they continued the demand of money. In these circumstances she lodged report on 27th December, 2014 with Songir Police Station.

7. On going through the F.I.R. it can be seen that specific role is not attributed to Petitioner Nos.4 to 12. They were residing separately and not with the complainant. The dispute is private in nature. The interest of society at large would not suffer. Nothing can be achieved if charge sheet is filed against Petitioner Nos.4 to 12.

8. The Learned counsel for Applicants placed reliance on ***Chandralekha and others V/s State of Rajasthan and another*¹**. In this case, allegations were extremely general in nature. No specific role was attributed against each of the appellants. The Hon'ble Supreme Court held that *“continuation of the criminal proceedings against appellants 1, 2 and 3 pursuant to this FIR is an abuse of process of law.”* The facts in the present case are identical. Therefore, we are of the view that to prevent the abuse of process of law discretion needs to be exercised in respect to Petitioner Nos.4 to 12.

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9. In view of the above, Criminal Writ Petition No.16 of 2015 is partly allowed to the extent of Petitioner No.4 Ashabai W/o Sunil Patil, Petitioner No.5 Sunil S/o Magan Patil, Petitioner No.6 Dhanraj S/o Digambar Patil, Petitioner No.7 Nanabhu S/o Digambar Patil, Petitioner No.8 Prabhakar S/o Digambar Patil, Petitioner No.9 Naththu Gangaram Chitte, Petitioner No.10 Jijabai Chindha Wagh, Petitioner No.11 Subhash S/o Jibhau Patil and Petitioner No.12 Ninabai Subhash Patil. FIR bearing No. 105 of 2014 registered with Songir Police Station, Taluka and District Dhule for the offences punishable under Sections 498-A, 506, 406 read with 34 of the Indian penal Code is hereby quashed and set aside to the extent of these petitioners.

10. Being withdrawn, writ petition in respect to Petitioner Nos.1 to 3 is dismissed.

11. Rule is made partly absolute in the aforesaid terms.

[SMT. I. K. JAIN, J]

[T. V. NALAWADE, J.]

Dated:27/03/2015.
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