

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

APPELLATE SIDE JURISDICTION

CRIMINAL APPLICATION NO.: 188 OF 2015

1. Taramati W/o Bhagwan Neharkar,
Age: 26 years, Occu: Household & Agri.,
R/o Ghatshil Pargon, Taluka Shirur
(Kasar), District Beed.
2. Bhagwan S/o Ramrao Neharkar,
Age: 30 years, Occu: Agri.,
R/o as above.
3. Mhatardev S/o Gahininath Neharkar,
Age: 30 years, Occu.: Agri.,
R/o as above. ... **APPLICANTS.**

VERSUS

1. **The State of Maharashtra.**
Through Shirur (Kasar) Police Station,
Taluka Shirur (Kasar), District Beed.
2. Sunita W/o Ashok Khedkar,
Age: 26 years, Occu: Household,
R/o Ghatshil Pargaon, Taluka Shirur (K),
Taluka Shirur (Kasar), District Beed,
Now R/o Takli-Manur, Taluka Pathardi,
District Ahmednagar. ... **RESPONDENTS**

Mr. S. R. Sirsat, Advocate for the Applicants.
Mr. K. S. Patil, A.P.P. for Respondent No.1.
Mr. Govind A. Kulkarni, Advocate h/f Mr. R. S. Deshmukh,
Advocate for Respondent No.2.

**CORAM:- T. V. NALAWADE &
SMT. I. K. JAIN, JJ.
DATED:- 1st APRIL, 2015.**

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

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

2. The proceeding is filed under section 482 of the Code of Criminal Procedure to quash charge sheet No.134 of 2013 arising out of Crime No.113 of 2013 presented by Respondent No.1 to the Court of Judicial Magistrate, First Class, Shirur (Kasar) for the offences punishable under sections 498-A, 323, 504, 506 read with 34 of the Indian Penal Code. The same was registered as R.C.C. No.250 of 2013 before the learned Magistrate.

3. We have heard the parties.

4. On perusal of record it can be seen that crime is registered on the basis of report lodged by Respondent No.2 Sunita Khedkar against her husband, relatives of husband and the present petitioners. Respondent No.2 was married to Ashok Khedkar on 26th June, 2011 at village Raimoha. On 19th August, 2013 she filed complaint against her husband, in-laws and petitioners alleging therein that she was illtreated on the demand of Rs.2 Lacs and as she was not liked by her husband and in-

laws. She alleged that she was mentally and physically illtreated as demand of Rs.2 Lacs was not fulfilled. On 2nd September, 2013 she was driven out of the house. So, she was required to go to the house of her parents. According to complainant, many times efforts were made by her parents to resolve the dispute.

5. On 18th August, 2013 her brother Bhausahab and brother-in-law Arjun Shirsat reached her to her in-laws. On 19th August, 2013 at 07.00 a.m. she was beaten by her husband, in-laws and the petitioners. They threatened her to life. She was driven out of the house. She called her brother on phone. That time her husband caught hold her and her mother-in-law poured kerosene on her person. Then, she lodged report to the police station.

6. There is no dispute that petitioners are not the relatives of husband of complainant. Petitioner No.3 is the friend of husband of complainant. They are residing separately. It appears from F.I.R. that no specific role has been attributed to each of the petitioners.

7. Considering the fact that Petitioners are not the relatives of husband of complainant and their individual role is not specified we are of the view that provisions of Section 498-A of the Indian penal Code would not be

attracted against the petitioners. So far as other offences are concerned, they arise in view of the matrimonial dispute with which petitioners have no concern.

8. In the light of the above, Criminal Application is allowed. Charge sheet No.134 of 2013 arising out of Crime No.113 of 2013 presented by Respondent No.1 to the Court of Judicial Magistrate, First Class, Shirur (Kasar) for the offences punishable under Sections 498-A, 323, 504, 506 read with 34 of the Indian Penal Code, registered as R.C.C. No.250 of 2013 before learned Judicial Magistrate, First Class, Shirur (Kasar) is hereby quashed and set aside.

9. Rule is made absolute in above terms.

[SMT. I. K. JAIN, J]

[T. V. NALAWADE, J.]

Dated:01/04/2015.
ans/188.odt