

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
CRIMINAL WRIT PETITION NO. 279 OF 2014

1. Arjun Janardhan Karad
 2. Janardhan Bhaurao Karad
 3. Haribai Janardhan Karad
 4. Namdev Janardhan Karad
All r/o of Krushna Nagar, Latur
 5. Sangita Kundlik Kendre
R/o Nanded
 6. Manisha Arjun Karad
R/o Nanded
- ... **Petitioners**

VERSUS

- 1) The State of Maharashtra
Through Kingaon police Station,
Taluka Kingaon, Dist. Nanded
 - 2) Anjali Arjun Karad
R/o c/o Kundlik Kondiba Nagargoje
R/o Godhala Tq. Renapur Dist. Latur
- ... **Respondents**

Mr. A. H. Kasliwal, Advocate for the petitioner
Mr. B. L. Dhas, APP for the Respondent-State
Mr. A. N. Nagarjoje, Advocate for respondent No.2

**CORAM : T. V. NALAWADE &
SMT. I. K. JAIN, JJ.**

DATE : 23rd March, 2015

JUDGMENT (Per Smt. I. K. Jain, J.)

Rule. Rule is made returnable forthwith by consent of the parties. Writ Petition is heard finally.

2. Learned APP is also heard.

3. The proceeding is filed under article 226 of the Constitution of India and Section 482 of the Code of Criminal Procedure for quashing FIR in Crime No. 15/2014 registered at Kingaon Police Station for the offences punishable under Sections 498-A, 323, 504 read with 34 of the Indian Penal Code.

4. Learned counsel for the petitioners submits on instructions that he wants to withdraw the petition in respect to petitioner Nos.1, 2, 3 and 6. Petition being withdrawn is to be disposed of to that extent.

5. We have heard the parties in respect to petitioner Nos.4 and 5.

6. On perusal of record it can be seen that crime is registered on the basis of report lodged by respondent No.2 Anjali Arjun Karad. Anjali was married to Arjun on 07.02.2006. Petitioner No.4 Namdeo is real brother and petitioner No.5. Sangita is sister of husband of complainant.

7. It is the case of complainant/wife that after three years of

marriage she was illtreated by her husband, in-laws and other relatives of husband on demand of Rs.1 lac for installation of welding machine. She alleged that Arjun performed another marriage with petitioner No.6 Manisha and brought her to the house. When complainant protested the same, she was beaten by her husband, Manisha and relatives of husband.

8. On 03.12.2013 she was mercilessly beaten by the petitioners. They removed ornament on her person. When it was beyond tolerance, she left the house along-with her children on 20.12.2013 and went to her maternal place. On 08.02.2014, she reported the incident to Police.

9. So far as petitioner Nos. 4 and 5 are concerned, it can be seen from FIR that vague allegations are made against them. On its face, FIR does not constitute any offence against the petitioner Nos. 4 and 5. No specific role is attributed to each of them. They are residing separately and not in the same house. Nothing can be achieved, if charge sheet is filed against petitioner Nos. 4 and 5. To prevent abuse of process of law, we find that the discretion needs to be exercised in respect to petitioner Nos. 4 and 5.

10. In view of the above, Criminal Writ Petition No. 279 of 2014 is partly allowed to the extent of petitioner No. 4- Namdeo Janardhan

Karad and Petitioner No.5- Sangita Kundlik Kendre.

11. FIR bearing No. 15/2014 registered at Kingaon Police Station for the offences punishable under Sections 498-A, 323, 504 read with 34 of the Indian Penal Code is hereby quashed and set aside to the extent of these petitioners.

12. Being withdrawn, petition in respect to petitioner Nos. 1, 2, 3 and 6 is dismissed.

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

(SMT. I. K. JAIN, J.)

(T. V. NALAWADE, J.)