

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 1447 OF 2015

1. Shri Vilas Kisanrao Nirdhar
Age 65 years, Occu.: Retird Govt. Servant.
R/o B. No.4, Savali Society, Bijapur Road,
Taluka North Solapur Dist. Solapur
2. Sou. Kalpana Vilas Nirdhar
Age 64 yrs., Occ: Retd. Semi.Govt. Servant.
R/o B. No.4, Savali Society, Bijapur Road,
Taluka North Solapur Dist. Solapur
3. Sau. Vaishali Raj Chavan
Age 40 years, Occupation: Deputy Collector
R/o Flat No.204, Sector-5, Tuls Heights,
New Panvel, District Raigad.
4. Shri Vaibhav Vilas Nirdhar
Age 38 years, Occupation: Service
R/o Flat No.9, Dwarka House,
Raambaug Colony, Paud Road, Pune-38.
5. Sau. Kalyani Vaibhav Nirdhar
Age 30 years, Occupation: House wife
R/o Flat No.9, Dwarka House,
Raambaug Colony, Paud Road, Pune-38.
6. Shri Vikrant Vilas Nirdhar
Age 33 years, Occupation: Nil
R/o B. No.4, Savali Society, Bijapur Road,
Taluka North Solapur Dist. Solapur

... **APPLICANTS**

VERSUS

- 1) The State of Maharashtra
Through The Investigating Officer
in Crime No.129/2014 registered with City
Police Station, Beed, Taluka & District Beed.

- 2) Kimaya @ Anjali Asaram Pangare ... **RESPONDENTS**
Age 29 years, Occu.: Professional Singer
R/o Mantri Colony, Beed,
Taluka & District : Beed.

Mr. D. M. Mane h/for Mr. Umesh Bodkhe, Advocate for the Applicants
Mr. B.L. Dhas, APP for the respondent-State.
Mr. Sanghmitra Wadmare, Advocate for respondent No.2

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

DATE : 7th May, 2015

JUDGMENT (Per Indira K. Jain, J.)

Rule. Rule is made returnable forthwith by consent of the parties.

Criminal Application is heard finally.

2. Learned A.P.P. is also heard.

3. This application under Section 482 of the Code of Criminal Procedure is filed for quashing the FIR in Crime No.129/2014 registered with City Police Station, Beed for the offences punishable under Sections 498-A, 323, 504, read with 34 of the Indian Penal Code.

4. At the threshold, it is mentioned here that learned counsel for the applicants, on instructions, submitted that he wants to withdraw the application in respect of applicants 1, 2 and 6. Being withdrawn, application needs to be disposed of to that extent.

5. So far as other applicants are concerned it can be seen from FIR that marriage of applicant No.6 Vikrant was solemnized with respondent

No.2 Kimaya alias Anjali on 22.07.2011 at Alfabachat Bhavan, Pune. All the expenses of marriage were borne by father of respondent No.2. It is contended that dowry of Rs.10 lacs was given on the date of settlement of marriage. On 22.07.2011, at the time of performance of marriage, again Rs.5 lacs were given by father of complainant to applicant No.1, father in-law of complainant. It appears from FIR that after 3/4 days on marriage, applicants started making grievance that gold rings were not given to all the relatives of husband in marriage, there was lack of hospitality, and they were not properly treated. On these grounds, husband, in-laws and other relatives started illtreating the complainant. It is alleged that she was denied entry in kitchen and kept without food.

6. On 17.10.2012, complainant was blessed with twins. While she was carrying pregnancy of four months, she was sent to her father's house. After birth of twins, applicant No.6 took her to the matrimonial house. There was no change in the behaviour of husband, in-laws and other relatives. They did not take care of respondent no.2 and the children. She was often harassed on demand of Rs. 5 lacs for opening Gold Shop. When she refused to bring money, applicant No.6 and applicant No.3 Vaishali, sister in-law, beat her with kicks and fist blows. The other relatives used to instigate applicant No.6 to torture her more. The father and other family members of maternal side of complainant tried to intervene to resolve the dispute but they were not allowed to enter the house. Those persons, then returned to Beed alongwith complainant. Since then, she is residing at her parent's house.

7. It is not disputed that applicant No.3 is real married sister-in-law of complainant. She is working as Deputy Collector at New Panvel, District Raigad. Applicant No.3 has produced copy of identity card to show that she is serving as Deputy Collector and residing at New Panvel, District Raigad. In FIR, bald statement is made that applicant No.3 beat complainant with kicks and fists. No particulars of alleged incident is given in FIR. No specific role is attributed to her and there is just a casual reference that she beat her with kicks and fists. In the absence of such details, nothing can be achieved, if investigation is allowed to be continued against applicant No.3.

8. Applicant No.4 Vaibhav is real brother of applicant No.6. He resides at Pune. This fact is not disputed. Applicant No.5 is wife of applicant No.4. She also resides at Pune with her husband. The allegations against Applicant Nos. 3, 4 and 5 in FIR are vague. No specific role is attributed to each of them. In this premise, we find it a fit case to exercise discretion in respect of applicant Nos. 3, 4 and 5.

9. In the result, Criminal Application No. 1447 of 2015 is partly allowed to the extent of applicant Nos. 3, 4 and 5 named above.

10. FIR in Crime No.129/2014 registered with City Police Station, Beed 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 applicant Nos. 3, 4 and 5.

11. Being withdrawn, criminal application in respect of applicant Nos. 1, 2 and 6 stands disposed of.

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

(INDIRA K. JAIN, J.)

(T. V. NALAWADE, J.)

JPC