

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
CRIMINAL APPLICATION NO. 3082 OF 2014

1. Shantabai w/o Sukadeo Tayade
Age 66 years, Occupation: Household
R/o 26/B, Pandharinath Nagar, Jamner
Road, Bhusawal, District: Jalgaon
2. Asha d/o Sukadeo Tayade
Age 41 years, Occupation: Household
26/B, Pandharinath Nagar, Jamner Road,
Bhusawal, District: Jalgaon
3. Rajendra s/o Sukadeo Tayade
Age 43 years, Occupation: Service
R/o Gajanan Nagar, Near Godavari
Mangal Karyalaya, Bhusawal Road,
Muktainagar, Taluka Muktainagar
District : Jalgaon
4. Manisha w/o Rajendra Tayade
Age 38 years, Occupation: Service
R/o Gajanan Nagar, Near Godavari
Mangal Karyalaya, Bhusawal Road,
Muktainagar, Taluka Muktainagar
District : Jalgaon
5. Ashok s/o Kalu Baviskar
Age 50 years, Occupation: Service
R/o Flat No.A-305, Aditwa Apartment,
Indrayaninagar, Sector-7, Bhosari,
Pune-26.

... **APPLICANTS**

VERSUS

1. The State of Maharashtra
Through Bazar Peth Police Station
Bhusawal, Taluka Bhusawal
District: Jalgaon

2. Harsha w/o Santosh Tayade ... **RESPONDENTS**
Age 30 years, Occupation: Household
R/o C/o Purshottam Vithoba Ingle
Wagh Nagar, Near Ramanand Nagar,
Jalgaon, Taluka & District Jalgaon.

Ms. Monica Purnapatre h/for Mr. Swapnil S. Patil, Advocate for Applicants.

Mr. K. M. Suryawanshi, APP for Respondent-State.

Mr. A. S. Hoge-Patil, Advocate for respondent No.2 (Appointed)

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

DATE : 5th 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. The application is under Section 482 of the Code of Criminal Procedure for quashing First Information Report in Crime No.73/2014 registered with Bhusawal Bazar Peth Police Station, Bhusawal, District: Jalgaon for the offences punishable under Sections 498-A, 504, 506, 323, 292, 406 r/w 34 of the Indian Penal Code.

4. Facts giving rise to the present application may stated in brief as under:

- i. Respondent No.2 Harsha was married to Santosh Tayade. Their marriage was performed on 20.07.2008 as per customary rites. The couple were blessed with two daughters. In the marriage, father of complainant had given

gold ornaments as streedhan to the daughter. After four months of marriage, her husband and others in family started illtreating her on demand of Rs. 3 lacs for getting job for Santosh. Her in-laws used to tease her. On 17.03.2014, she was assaulted with stick by her husband on demand of money. She was abused and beaten by kicks and fists. That time her husband insisted her for divorce. He beat both the daughters too. Complainant and her daughters became unconscious and were admitted to Manwatkar Hospital.

- ii. On 11.07.2014, she lodged report with Bhusawal Bazar Peth Police Station. On the report, above-said crime came to be registered against husband and present applicants.

5. Applicant No.1 Shantabai is mother-in-law, Applicant No.2 Asha is unmarried sister in-law, applicant No.3 Rajendra is married brother in-law. Applicant No.4 Manisha is wife of applicant No.3 and Applicant No.5 Ashok is husband of another sister in-law of complainant Harsha.

6. On going through the FIR, it is apparent that there are specific allegations of illtreatment and cruelty at the hands of applicant Nos. 1 and 2 Shantabai and Asha. It is not in dispute that they were residing with complainant and her husband. Complainant has given instances of harassment in FIR. As specific role is attributed to applicant Nos. 1 and 2, we are not inclined to exercise discretion in respect of these applicants.

7. So far as applicant Nos. 3 to 5 named above are concerned, they are residing separately. Applicant Nos. 3 and 4 reside at Muktainagar and Applicant No.5 is staying at Pune. No specific role is attributed to Applicant Nos. 3 to 5 in FIR. On its face, FIR does not constitute any

offence against applicant Nos. 3 to 5.

8. There is no whisper in FIR regarding visits of Applicant Nos. 3 to 5 to the house of complainant and in the absence of relevant details, with a view to prevent abuse of process of law, we find it a fit case to exercise discretion so far as FIR relates to Applicants 3 to 5.

9. In the light of the above, Criminal Application No.3082 of 2014 is partly allowed.

10. First Information Report in Crime No.73/2014 registered with Bhusawal Bazar Peth Police Station, Bhusawal, District: Jalgaon for the offences punishable under Sections 498-A, 504, 506, 323, 292, 406 r/w 34 of the Indian Penal Code is hereby quashed and set aside to the extent of Applicants 3 to 5.

11. Criminal application pertaining to applicant Nos. 1 and 2 is rejected.

12. Rule is made partly absolute in aforesaid terms.

(INDIRA K. JAIN, J.)

(T. V. NALAWADE, J.)

JPC