

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

APPELLATE SIDE JURISDICTION

CRIMINAL WRIT PETITION NO.: 1001 OF 2014

1. **Dnyanoba S/o Bhimrao Ganapure,**
Age: 63 years, Occu: Agriculture,
R/o Chichondi, Tq. Nilanga,
District Latur.
 2. **Daivshalabai W/o Dnyanoba Ganapure,**
Age: 56 years, Occ; Household,
R/o Chichondi, Tq. Nilanga,
District Latur.
 3. **Shriram S/o Dnyanoba Ganapure,**
Age: 33 years, Occu.: Service,
R/o C/o Kishor Shinde,
Shivba Palace Flat No.1,
Laxmi Nagar, Shrigonda,
Tq. Shrigonda Dist. Ahmednagar.
 4. **Shubhangi W/o Shriram Ganapure,**
Age: 26 years, Occu: Household,
R/o C/o Kishor Shinde,
Shivba Palace Flat No.1,
Laxmi Nagar, Shrigonda,
Tq. Shrigonda Dist. Ahmednagar.
 5. **Meerabai W/o Shivaji Chilme,**
Age 35 years, Occ: Household,
R/o Pirupatelwadi, Tq. Nilanga,
District Latur, presently residing
at C/o Ramesh Agre, Gandhi Nagar,
Behind Govt. College, Latur,
Tq. Dist. Latur.
- ... **PETITIONERS/
[ORIG.ACCUSED NOS.2 TO 6].**

VERSUS

1. **The State of Maharashtra.**
Through Police Inspector,
Police Station, Aurad Shahajani,
Tq. Nilanga, Dist. Latur.

2. **Manisha W/o Laxman Ganapure,**
 Age: 26 years, Occu: Household,
 R/o C/o Shivaji Kundlikrao Bembde,
 Adjacent to Vishal Secondary School,
 L.I.C. Colony, Latur,
 Tq. Dist. Latur.

... **RESPONDENTS**
[R.2 ORIG.COMPLAINANT]

Mr. S. B. Gastgar, Advocate for the Petitioner.
 Mr. V. D. Godbharle, A.P.P. for the Respondent / State.
 Mr. V. D. Gunale, Advocate for Respondent No.2.

CORAM:- T. V. NALAWADE &
SMT. I. K. JAIN, JJ.
DATED:- 6th APRIL, 2015.

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

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

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

3. The petition is filed under Articles 226 and 227 of the Constitution of India and Section 482 of the Code of Criminal Procedure for quashing the proceedings in R.C.C. No.249 of 2013 pending before learned Judicial Magistrate, First Class, Nilanga arising out of Crime No.55 of 2013 registered at Police Station Aurad Shahajani, Taluka Nilanga on the report of Respondent No.2 Manisha for the offences

punishable under sections 498-A, 323, 504, 506 read with 34 of the Indian Penal Code.

4. We have heard the parties. Perused police papers.

5. It can be seen from F.I.R. that Respondent No.2 was married to Laxman, son of Petitioner No.1 on 24th June, 2012 as per Hindu Customary Rites. In the marriage father of Respondent No.2 had given Rs.4,50,000/- and 2-1/2 Tolas gold. He incurred expenses of more than Rs.10 Lacs in the said marriage.

6. According to Respondent No.2 she was treated well initially for 5-6 months. Thereafter, her husband, in-laws and other relatives started illtreating her on demand of remaining amount of dowry. They used to ask Respondent No.2 that her father agreed to give Rs.6 Lacs in marriage but less dowry was given and thereby they were insulted. Respondent No.2 tolerated the harassment with a hope that her husband and others in family would improve their behaviour.

7. On 6th May, 2013 when Respondent No.2 was at village Chichondi in her matrimonial house she was blamed for theft of gold *Ganthan*. That time her husband and others abused her. She was also beaten. She informed

about the incident to her parents.

8. On 10th May, 2013 her father came to village Chichondi. The husband of Respondent No.2 abused her father in filthy language, insulted him and asked him to take away Respondent No.2. Thereafter, she came to Latur along with her father. With ill intention her husband issued a legal notice to her which was promptly replied on 12th June, 2013. He filed divorce proceeding bearing No.174 of 2013 in Latur Court. Then father of Respondent No.2 along with the relatives approached husband and family members of husband of Respondent No.2 on 15th November, 2013 and requested them to allow complainant to resume company of her husband. That time also they insisted to fulfill demand of Rs.1,50,000/- and for divorce. They abused and threatened to kill the complainant and her father. Having no alternative Respondent No.2 came back to Latur and reported the matter to police.

9. Petitioner Nos.1 and 2 are father-in-law and mother-in-law of complainant. Petitioner No.3 is brother-in-law, Petitioner No.4 is wife of Petitioner No.3 and Petitioner No.5 is sister-in-law of Manisha. It can be seen from F.I.R. that there are specific allegations of harassment and cruelty on

demand of remaining amount of dowry against Petitioner Nos.1, 2 and 5. Instances have been quoted in F.I.R. accordingly. Therefore, we do not find it a fit case to exercise discretion in respect to Petitioner Nos.1, 2 and 5.

10. So far as Petitioner Nos.3 and 4 are concerned they are residing separately at Shrigonda. Petitioner No.3 is in service. Petitioner No.4 resides with Petitioner No.3 at Shrigonda. The allegations against these two petitioners are vague and general in nature. F.I.R. on its face does not constitute any offence against Petitioner Nos.3 and 4. No specific role is attributed to each of them. To prevent abuse of process of law we find that discretion needs to be exercised in respect to Petitioner Nos.3 and 4.

11. In the result, Criminal Writ Petition No.1001 of 2014 is partly allowed to the extent of Petitioner No.3 Shriram Dnyanoba Ganapure and Respondent No.4 Shubhangi Shriram Ganapure.

12. Proceeding in R.C.C. No.249 of 2013 pending before learned Judicial Magistrate, First Class, Nilanga arising out of Crime No.55 of 2013, registered at Aurad Shahajani Police Station, Taluka Nilanga on the report of Respondent No.2 Manisha for the offences punishable under sections

498-A, 323, 504, 506 read with 34 of the Indian Penal Code is hereby quashed and set aside to the extent of Petitioner No.3 Shriram Ganapure and Petitioner No.4 Shubhangi Ganapure.

13. Criminal Writ Petition in respect of Petitioner Nos.1, 2 and 5 stands dismissed.

14. Rule is made partly absolute in aforesaid terms.

[SMT. I. K. JAIN, J.]

[T. V. NALAWADE, J.]

Dated:06/03/2015.

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