

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 4945 OF 2014

1. Ganesh s/o Bhanudas Ghode
Age 27 years, Occupation: Education
2. Bhanudas s/o Sakharam Ghode
Age 52 years, Occupation: Service
3. Kesharbai w/o Bhanudas Ghode
Age 48 years, Occupation: Household
4. Vinayak s/o Bhanudas Ghode
Age 20 years, Occupation : Education
5. Jaya d/o Bhanudas Ghode
Age 18 years, Occupation: Education
Petitioners 1 to 5 R/o Sarvoday Nagar
Jintur Road, Selu, Ta. Selu, Dist. Parbhani
6. Kalpana w/o Ramchandra Hiwale
Age 35 years, Occupation: Household
R/o New Amba Road, Partur, Taluka Partur
District Jalna

... **APPLICANTS**

VERSUS

- 1) The State of Maharashtra
Through the Investigating Officer,
Police Station Georai
Tq. Georai Dist. Beed.
(Copy served on Public Prosecutor, High
Court Bombay, Bench at Aurangabad)
- 2) Rajeshri w/o Ganesh Ghode
Age 22 years
At present r/o Nikam Galli
Georai Tq. Georai Dist. Beed.

... **RESPONDENTS**

Mr. V. P. Savant Advocate for applicants
Mr. B. L. Dhas, APP for Respondent No.1-State

Mr. D. A. Mane h/for Mr. Milind Patil, Advocate for respondent No.2

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

DATE : 1st April, 2015

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

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

Criminal application is heard finally.

2. Learned APP is also heard.

3. The application is under Section 482 of the Code of Criminal Procedure for quashing the proceedings in Regular Criminal Case No.82/2014 pending before the Judicial Magistrate, First Class, Georai arising out of Charge sheet No. 36/2014 submitted in Crime No. 01/2014 registered with Police Station, Georai Tq. Georai Dist. Beed on the report of respondent No.2- Rajeshri lodged on 01.01.2014 for the offences punishable under Sections 498-A, 323, 504, 506 read with 34 of the Indian Penal Code.

4. Learned counsel for applicants submits on instructions that he wants to withdraw the application in respect of applicants 1 to 3. Application being withdrawn is to be disposed of to that extent.

5. We have heard the parties in respect to applicants 4 to 6.

6. It can be seen from F.I.R. that complainant- Rajashri /respondent

No.2 married to Ganesh Ghode- Applicant No.1 on 02.06.2013. She was treated well for few days. Then on trivial issues, her husband and others in family started illtreating her. She tolerated the same without complaint. Thereafter, her husband, mother-in-law, father-in-law and sister-in-law asked her to bring Rs.2 lacs from her parents for construction of house and to pursue the demand, started mentally and physically harassing her. She was made to work for the whole day and kept without sufficient meals. She was tortured and abused. Lastly she was thrown out of the matrimonial house with a warning to come back only with Rs.2 lacs else she would not be allowed to stay with them.

7. So far as applicant No. 4 -Vinayak and applicant No. 5- Jaya are concerned, they are the brother and sister of husband of complainant Rajeshri. Both are studying. Applicant No. 6 is married sister of applicant No.1. She is residing separately at Partur. It can be seen from the complaint that vague allegations are made against respondents 4 to 6. On its face, complaint does not constitute any offence against applicants 4 to 6. 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 of applicants 4 to 6.

8. In this view of the matter, Criminal Application No. 4945 of 2014 is partly allowed to the extent of applicant Nos. 4) Vinayak Bhanudas Ghode, 5) Jaya d/o Bhanudas Ghode, 6) Kalpana w/o Ramchandra Hiwale.

9. Proceedings in Regular Criminal Case No.82/2014 pending before the Judicial Magistrate, First Class, Georai and Charge-sheet/final Report No.36/2014 are hereby quashed and set aside to the extent of applicants 4 to 6.

10. Being withdrawn, criminal application in respect to applicant Nos. 1, 2 and 3 stands disposed of.

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

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

(T. V. NALAWADE, J.)

JPC