

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 5381 OF 2014

1. Ravindra Dagdu Gaikwad
Age 27 years, Occupation: Service
2. Dagdu Khandu Gaikwad
Age 53 years, occupation: Service
3. Tarabai Dagdu Gaikwad
Age 46 years, occupation: Housewife

Applicants 1 to 3 R/o Plot No.6, Laxmi
Niwas, Near Karwand Naka
S.B.I. Colony, Shirpur, District Dhule

4. Sunita Rajendra Jagtap
Age 33 years, Occupation: Service
R/o 17, Ketaki Society, Dindori Road,
Near Ashram School, Mhasarul
Taluka & District Nashik
5. Neeta Madhav Kokani
Age 29 years, Occupation: Service
R/o 45, Navajivan Adivasi Society,
Nakane Road, Near Ekta Nagar,
Deopur, Dhule
6. Madhav Oman Kokani
Age 33 years, occupation: Service
R/o 45, Navajivan Adivasi Society,
Nakane Road, Near Ekta Nagar,
Deopur, Dhule
7. Raghunath Khandu Gaikwad
Age 40 years, Occupation: Service
R/o Plot No.66, Laxminarayan Nagar,
Shirpur, District Dhule.

8. Prashant Kantilal Gaikwad
Age 15 years, Occupation: Student
R/o Songavi Taluka Shirpur, Dist. Dhule

... APPLICANTS

VERSUS

1) The State of Maharashtra
(Copy served on Public Prosecutor, High
Court Bombay, Bench at Aurangabad)

2) Harishchandra Onkar Gavit
Age 48 years, Occupation: Service
R/o Abhiyantanagar, Wadibhokar Road,
Deopur, Dhule

... **RESPONDENTS**

Mr. Joydeep Chatterji, Advocate for applicants
Mr. B. L. Dhas, APP for Respondent No.1-State

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

DATE : 17th 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. This application is under Section 482 of the Code of Criminal Procedure for quashing First Information Report in Crime No. 240/2013 registered with Shirpur Police Station, district Dhule for the offences punishable under Sections 306, 498-A, 504, 506 of the Indian Penal Code.

4. In nutshell, the facts giving rise to the present application may be stated as under:

- i. Complainant Harishchandra Onkar Gavit is resident of Deopur, Dhule. His daughter Tejashri was married to Applicant No.1 Ravindra on 06.01.2013. Complainant spent Rs.4 lacs in the marriage. After marriage, Tejashri went to cohabit with her husband at Shirpur. Applicant No.1 was serving in State Bank of India as Field Officer. Being field officer, he was required to move to various places for service purpose. Therefore, Tejashri was residing with her in-laws and others in the family. It is alleged that she was illtreated by husband and in-laws on demand of Rs. 5 lacs for purchase of a flat at Nashik.
- ii. On 25.07.2013, Yogesh, brother of Tejashri had been to Shirpur. That time, she disclosed about the harassment at the hands of husband and in-laws, sister-in-laws and their husbands.
- iii. On 27.07.2013, complainant received a telephonic message from Oman Kokani, resident of Dhule that Tejashri had died. So, complainant, with other relatives rushed to Shirpur Hospital. He enquired from applicant No.3 Tarabai, mother in-law of Tejashri, but she did not give satisfactory answer. Thereafter complainant checked mobile of Tejashri and found that on 26.07.2013, at 11.11 p.m. and 11.20 p.m. Tejashri sent messages to her husband and informed that it was her last message and gave hint of committing suicide. Then complainant enquired with applicant No.1 son-in-law the reason for not responding to such serious messages. He could not give proper reply. Then report was lodged with Police Station.

5. 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.

6. So far as applicants 4 to 8 are concerned they were residing separately at the relevant time. They were not directly concerned with the family affairs of the deceased and applicants 1 to 3. No details are given in FIR regarding visits of applicants 3 to 7 to the house of applicant No.1. No instance is quoted attributing specific role to these applicants. Applicant No. 8 is minor and cousin of applicant No.1. Copy of his school leaving certificate shows date of birth as 25.03.1999. He was below the age of 18 years. On its face, complaint does not constitute any offence against applicants 4 to 8. Hence, to prevent the abuse of process of law, we find that discretion needs to be exercised in respect of applicants 4 to 8.

7. In this view of the matter, Criminal Application No. 5381 of 2014 is partly allowed to the extent of applicant Nos. 4) Sunita Rajendra Jagtap, 5) Neeta Madhav Kokani, 6) Madhav Oman Kokani, 7) Raghunath Khandu Gaikwad and 8) Prashant Kantilal Gaikwad.

8. FIR in Crime No. 240/2013 registered with Shirpur Police Station, District Dhule for the offences punishable under Sections 306, 498-A, 504, 506 of the Indian Penal Code is hereby quashed and set aside to the extent of applicants 4 to 8.

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

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

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

(T. V. NALAWADE, J.)