

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

Criminal Application No. 5501 of 2014

1. Shalu @ Siya Lavin Keswani,
Age : 37 years,
Occupation : Household,
R/o. Nashik, District : Nashik.
 2. Kajal @ Anju Sanjay Batheja,
Age ; 34 years,
Occupation : Household,
R/o. Pimpri Chinchwad, Pune.
 3. Mohanlal (Mohandas) Aratmal Kukreja,
Age : 64 years,
Occupation : Nil,
R/o. Near SBI Bank, Ward No.4,
Shrirampur, District : Ahmednagar.
 4. Shrichand Aratmal Kukreja,
Age : 67 years,
Occupation : Nil,
R/o. Gaundwadi Road, Shrirampur,
District : Ahmednagar.
 5. Nandlal Aratmal Kukreja,
Age : 62 years,
Occupation : Nil,
R/o. Savedi,
Ahmednagar.
- .. Applicants.

versus

1. The State of Maharashtra.
2. Superintendent of Police, Beed,
District : Beed.

3. Mona w/o. Ajay Milani,
Age : 32 years,
Occupation : Household,
R/o. Near Vaidya Hospital,
Behind Finix Hospital,
Jalna Road, Beed,
District : Beed.

.. Respondents.

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Mr. K.B. Autade, Advocate, for the applicants.

*Mr. K.J. Ghute Patil, Additional Public Prosecutor,
for respondent nos.1 and 2.*

Mr. S.P. Tiwari, Advocate, for respondent no.3.

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**CORAM : S.S. SHINDE &
A.M. BADAR, JJ.**

DATE : 29TH JANUARY 2015

ORAL JUDGMENT (Per S.S. Shinde, J.) :

1. Heard Adv. Mr. K.B. Autade for the applicants, learned APP Mr. K.J. Ghute Patil for respondent nos.1 and 2, and Adv. Mr. S.P. Tiwari for respondent no.3.
2. Rule. Rule made returnable forthwith. By consent, heard finally.
3. By the present application, the applicants have prayed to quash the FIR vide Crime No. 168/201, dated 1-8-2014, registered at

Shivajinagar Police Station, Beed, for offences punishable under Sections 498-A, 323, 504, read with Section 34 of the Indian Penal Code.

4. The learned Counsel appearing for the applicants has invited our attention to the averments and grounds taken in the application, and submits that the applicant nos. 1 and 2 are married sisters of the husband and residing at their matrimonial house. It is submitted that the marriage of applicant nos.1 and 2 was solemnized 8 to 10 years back and, therefore, by any stretch of imagination, it is not possible that the applicant nos.1 and 2 will come to the house of the complainant and cause harassment as alleged in the FIR. It is further submitted that so far applicant nos.3 to 5 are concerned, they are residing separately and looking to their ages, it is impossible that they would indulge themselves in harassment of the complainant. The learned Counsel for the applicants further submits that even if the allegations in the FIR are taken in its entirety, no offence is disclosed so far applicants are concerned. It is submitted that no specific overt acts are attributed to the applicants and, therefore, he submits that the application deserves consideration.

5. On the other hand, the learned Counsel appearing for the original complainant has invited our attention to the allegations in the FIR and submits that the offence is disclosed which needs investigation and, therefore, at the stage of investigation, this Court may not interfere.

6. We have given careful consideration to the submissions advanced by the learned Counsel appearing for the applicants and the learned Counsel appearing for respondent no.3. Perused the allegations in

the FIR and also other material placed on record. It is not in dispute, that the applicant nos.1 and 2 are married sisters of Ajay and residing at different places. It appears that their marriage was solemnized prior to 8 to 10 years. So far applicant nos.3 to 5 are concerned, they are aged 64 years, 67 years and 62 years, respectively. They are also residing separately.

Upon careful perusal of the allegations in the FIR, there are no any specific allegations with material particulars against the applicants. There are only general allegations against the applicants. Even if the allegations in the FIR are taken at its face value, no offence is disclosed. Looking to the fact that the applicant nos.1 and 2 are married and having the school going children, on the very allegations in the FIR, they should not face the agony of further investigation and trial. So far applicant nos.3 to 5 are concerned, they are senior citizens residing differently and having distant relationship with Ajay, husband of respondent no.3.

7. Therefore, in the peculiar facts of this case, in our opinion, further proceedings based upon Crime No. 168/2014, registered with Shivajinagar Police Station, Beed, on 1-8-2014, for offences under Sections 498-A, 323, 504, read with Section 34 of the Indian Penal Code, deserves to be quashed and set aside.

8. In the result, the Application is allowed. Rule is made absolute in terms of prayer clause “B”. We make it clear, that the observations in this judgment are confined to the applicants herein and would have no bearing on the allegation by the complainant against other

accused persons.

9. The Application stands disposed of accordingly.

(A.M. BADAR)
JUDGE

(S.S. SHINDE)
JUDGE

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