

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 6871 OF 2014

1. Rakesh Dinkar Khairnar
Age 35 years, Occupation: Advocate
R/o Near Rajshri Bungalow
Ashtwinayak Colony, Nav Vasahat, Soygaon,
Taluka Malegaon District Nashik
 2. Sau. Kaveri Rakesh Khairnar
Age 31 years, Occupation: Housewife
R/o Near Rajshri Bungalow
Ashtwinayak Colony, Nav Vasahat, Soygaon,
Taluka Malegaon District Nashik
 3. Sau. Dipali sumantrao Rokde,
Age 30 years, Occupation: Hosuewife
R/o Near Swaminarayan Mandir
Panchavati, nashik
 4. Gajanan Laxman Khairnar
Age 52 years, Occupation: Service in Police
Department, R/o Tarwala Nagar
Dindori Road, Panchavati, Nashik
 5. Sau. Shobha Gajanan Khairnar
Age 48 years, Occupation: Housewife
Tarwala Nagar, Dindori Road,
Panchavati, Nashik
- ... **APPLICANTS**

VERSUS

- 1) The State of Maharashtra
 - 2) Rajshri w/o Prashant Khairnar
Age 29 years, Occupation: Housewife
R/o New Ekta Colony, Plot No.30,
Nagaon Bari, Chaufuli, Deopur, Dhule.
- ... **RESPONDENTS**

Mrs. Sabahat T. Kazi Advocate for applicants
Mr. S. B. Pulkundwar, APP for Respondent No.1-State

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

DATE : 15th 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 under Section 482 of the Code of Criminal Procedure is filed for quashing FIR in Crime No. 141 of 2014 registered with Deopur Police Station, District Dhule on the report of respondent No.2 Rajshri for the offences punishable under sections 498-A, 406, 323, 504, 506 read with 34 of the Indian Penal Code.

4. It is the case of the complainant that she was married to Prashant Dinkar Khairnar on 21.04.2006. The couple were bestowed with a male child Sagar, aged now seven years. According to Rajshri, she was treated well initially for two-three months. Thereafter, her husband, brother-in-law, sister-in-law and others in family started making demand of Rs. 30,000/- for marriage of applicant No.3 Dipali. Complainant expressed her inability to bring money from her parents as their financial condition was not sound. When demand of money was not fulfilled, she was mentally and physically harassed at the hands of her husband and in-laws. Complainant alleged that she was also beaten by kicks and fists.

Her husband and in-laws removed gold ornaments of three tolas given to her in the marriage by her father.

5. On 13.03.2013, she was beaten and driven out of the matrimonial house. So, she had to go to her parents' house at Dhule. Even thereafter she was receiving threats from her husband during her stay at maternal place.

6. On 08.10.2014, she reported the matter to Women Grievances Redressal Forum. As the dispute was not settled, she lodged report with Deopur Police station as stated above.

7. We have carefully examined FIR. It is apparent that specific allegations of demand of money are made against applicant Nos. 1 and 2. Complainant had quoted the incidents in FIR regarding alleged demand. There is no whisper in the application to show that applicant Nos. 1 and 2 were residing separately. As specific role is attributed to applicant Nos. 1 and 2, we are not inclined to exercise discretion in respect of applicant Nos. 1 and 2.

8. So far as applicant No.3 Dipali is concerned, she is married sister-in law of Rajshri. Applicant No.4 Gajanan Laxman Khairnar is her paternal father-in-law and applicant No.5 is wife of applicant No.4. They were residing separately and not in the same house where complainant was residing with her husband and in-laws. Though an attempt was made to

make vague allegations in FIR against applicant Nos. 3 to 5, we find that on its face, FIR does not constitute any offence against these applicants. Considering the FIR in its entirety, we are of the view that to prevent the abuse of process of law, discretion under section 482 of the Code of Criminal Procedure needs to be exercised to the extent of applicant Nos. 3 to 5.

9. In this view of the matter, Criminal Application No.6871 of 2014 is partly allowed.

10. FIR in crime No. 141 of 2014 registered with Deopur Police Station, District Dhule for the offences punishable under sections 498-A, 406, 323, 504, 506 read with 34 of the Indian Penal Code is hereby quashed and set aside to the extent of applicant Nos. 3, 4 and 5 Sau. Dipali, Gajanan and Sau. Shobha respectively.

11. Criminal application in respect of applicant Nos. 1 and 2 stands dismissed.

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

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

(T. V. NALAWADE, J.)

JPC