

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (APL) NO. 714 OF 2014

(Avinash Ramkrushna Kamble & Ors. vs. State of Maharashtra thr. Incharge Police Station & Anr.)

Office Notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's orders

**CORAM : B.P. DHARMADHIKARI &
P.N. DESHMUKH, JJ.
JUNE 11, 2015.**

Heard Shri Bambal, learned counsel for the applicants, Ms. Mehta, learned APP for respondent No. 1 and Shri Matale with Shri Mohta, learned counsel for respondent No. 2.

Perused the reply affidavit filed by Respondent No. 1.

Investigation into FIR No. 51 of 2014 dated 12.07.2014 under Section 498A read with Section 34 of IPC lodged by Respondent No. 2 – wife against applicant No. 1 – husband and other applicants (in-laws) is still going on.

Shri Bamble, learned counsel has made two submissions. His first submission is, there was settlement between the parties in 2014 and as such instances prior thereto could not have been used to lodge FIR on 12.07.2014. Second submission is, the allegations against in-laws i.e. applicants No. 2 to 6 are mutually inconsistent and, therefore, unacceptable. He points out that those applicants resided at different places while applicant No. 1 and respondent No. 2 were residing entirely at different place. He submits that thus fabrication of false story is apparent.

The learned APP is placing reliance upon

reply affidavit. The learned APP states that there is no fabrication and story is as disclosed in the FIR.

Shri Matole, learned counsel supports the arguments of the learned APP. He also submits that necessary details are given in the FIR. After compromise on 06.06.2014 as there was no cohabitation, FIR came to be lodged within one month.

The facts show that applicant No. 1 and complainant resided together till November 2013 at a place at Kokna (Jami), Tahsil – Sadak Arjuni, District – Gondia. Non-applicant No. 2 resides at Bhalar, Tahsil – Wani, District – Yavatmal. Applicant Nos. 3 & 5 resides at Dahifal, Tahsil – Ner, District – Yavatmal. Applicant No. 4 resides at Ghuggus, Tahsil and District – Chandrapur. Applicant No. 6 resides at Pimpalgaon, District – Yavatmal. However, wife has specifically alleged a demand made by the husband before November 2013 and thereafter demand by other applicants. She has stated that she had sent her parents to “in laws” and in that meeting, demand has been raised.

We do not find any inconsistency in the FIR. The contention about absence of date, time or place of event cannot be gone into at this stage. The matter is still under investigation. Therefore, we find no case made out at this stage. Leaving all contentions of applicants open, we dispose of the Criminal Application. No costs.

JUDGE

JUDGE