

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 4651 OF 2015

Sudam s/o Sitaram Nirmal & 3 Ors.

APPLICANTS

V E R S U S

The State of Maharashtra & Anr.

RESPONDENTS

Mr. Thigale Girish K. (Naik), Advocate for the Applicants
Mrs. A.V. Gondhalekar, A.P.P. for Respondent No.1 – State
Smt. V.H. Sangole, Advocate for Respondent No.2

**CORAM : A.V. NIRGUDE &
INDIRA K. JAIN, JJ.**

DATE : 22nd February, 2016

PER COURT :

1. Accused Nos. 4 to 7 moved this application for setting aside criminal case initiated against them pursuant to Crime No. I-124 of 2014, registered at Pimpalner Police Station, District Beed on 27th November, 2014.

2. Complainant is one Mudruka w/o Baliram Nirmal, who alleged that after her marriage in 2005 with Balimaram, he and his relatives started harassing her over demand of dowry. She named seven persons as her tormentors. The present applicants are accused nos. 4 to 7. These persons, no doubt, are related to husband of complainant, but they are not

members of his family, who resided with complainant and her husband. It is alleged that they used to visit the complainant and her family members intermittently. We are inclined to hold that the complaint is not maintainable as against the applicants mainly because they are not in proximity of commission of alleged offence. In view of above, this application stands allowed in terms of prayer clause “**B**”.

3. Professional fees quantified at Rs.1,500/- (Rupees One Thousand Five Hundred) be paid to the appointed Advocate Mrs. V.H. Sangole for Respondent No.2 - Mudruka w/o Baliram Nirmal.

(INDIRA K. JAIN, J.)

(A.V. NIRGUDE, J.)