

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD
CRIMINAL APPLICATION NO.5133 OF 2015

- 1 Himanshu s/o Dr.Bhagwan Ambhore,
age: 27 years, Occupation: Service,
Residing at Badi Sadak, Jalna.
- 2 Dr.Bhagwan s/o Gamaji Ambhore,
age: 60 years, Occupation: Pensioner,
Residing at House No.30, HIG, R-28,
MHADA Colony, N-7, CIDCO, Aurangabad.
- 3 Dr.Mrs. Kavita w/o Bhagwan Ambhore,
age: 52 years, Occupation: service,
Residing at above address.

Applicants

Versus

- 1 The State of Maharashtra,
through the Secretary to the Government,
Home Department, Mantralaya, Mumbai.
- 2 The Director General of Police,
Colaba, Mumbai.
- 3 The Inspector General of Police,
Aurangabad Range, Aurangabad.
- 4 The Superintendent of Police,
Osmanabad.
- 5 The Senior Police Inspector,
Omerga Police Station,
Omerga, District Osmanabad.
- 6 Namrata w/o Himashu Pisorkar,
Nee : Namrata @ Pradnya d/o
Kailash Shinde, age: 23 years,
Occupation: Self employed,
Residing at c/o Kailas Shinde,
New Balajinagar, Taluka Omerga,
District Osmanabad.

Respondents

Mr.H.S.Surve, advocate for applicants.
Mr.K.S.Patil, APP for Respondents No.1 to 5.
Mr.P.V.Barde, advocate for Respondent No.6.

**CORAM : R.M.BORDE &
K.L.WADANE, JJ.
DATE : 30th March, 2016**

ORAL JUDGMENT (Per R.M.Borde, J.):

1 Heard. Rule. Rule made returnable forthwith and heard finally by consent of learned Counsel for respective parties.

2 The applicants are praying to quash the First Information Report lodged on 13.09.2015 at Police Station Omerga, District Osmanabad, whereupon a crime has been registered bearing No.166/2015. The offence alleged is punishable under Sections 498A, 323, 504, 506, 379 read with Section 34 of the Indian Penal Code.

3 The complainant is wife of applicant no.1 and it is alleged that marriage has taken place on 02.06.2015, few months prior to lodging of First Information Report. There are allegations made in the First Information Report in respect of alleged illtreatment by the husband i.e. petitioner no.1 and petitioner no.3, mother-in-law of the complainant.

4 On perusal of the complaint, it is noticed that there are absolutely no allegations in respect of illtreatment meted out to the complainant at the hands of petitioner no.2 Dr.Bhagwan, who is father in law of the complainant. Since, *prima facie*, there does not

appear to be a case made out against father in law and since there are absolutely no allegations levelled against him, we are of the opinion that his presence at the trial is not warranted. The impleadment of petitioner no.2 in the crime is unwarranted and criminal proceedings initiated against him are without any foundation. As such, First Information Report lodged against petitioner no.2 and criminal proceedings initiated in pursuance thereto against him shall be required to be quashed and set aside and those are accordingly quashed and set aside. The investigation, in pursuance to lodging of First Information Report against petitioners no.1 and 3, may proceed.

5 Rule is made absolute to the extent specified above.

K.L.WADANE
JUDGE
adb/crappln513315

R.M.BORDE
JUDGE