

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

CRIMINAL APPLICATION NO. 216 OF 2017

[1] Shamsundar S/o Ramprasad Wayal,
Age : 31 years, Occu. Agriculture,
R/o. Pangri (Bk.), Tq. Mantha,
Dist. Jalna.

[2] Satish S/o Ramprasad Wayal,
Age : 29 years, Occu. Service as
a Police Sub-Inspector,
R/o. Building No. 3, Flat No. 603,
Shrikrishna Garden, MIDC Road,
Meera Road (East),
Mumbai-401 107.

[3] Shobha W/o Ramprasad Wayal,
Age : 55 years, Occu. Nil,
R/o. Pangri (Bk.), Tq. Mantha,
Dist. Jalna.

Applicants...

Versus

1] The State of Maharashtra
Through Police Station, Chawni,
(Cantonment), Aurangabad,
Tq. & Dist. Aurangabad.

2] Rekha Shamsundar Wayal,

Age : 28 years, Occu. Household,

R/o. At present Old Bhavsingpura,

Aurangabad Cantonment, Chawani,

Aurangabad.

Respondents...

.....
Mr Shrikant G. Kawade, Advocate for the applicants
Mr M. M. Nerlikar, APP for respondent/State
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**CORAM : R. M. BORDE &
A. M. DHAVAL, JJ.**

DATE : 07TH JULY, 2017

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

. Rule. Rule made returnable forthwith. Heard finally with the consent of the parties and taken up for final disposal at admission stage.

2. The applicants are praying for quashment of the criminal proceedings initiated in pursuance to lodging of First Information Report bearing No. 0476/2016 on 02.12.2016 with Police Station, Chawni (Cantonment), Aurangabad for the offences punishable u/s 498A, 504, 323 r/w 34 of the Indian Penal Code.

3. Applicant No. 1 is the husband of respondent No. 2 whereas; applicant No. 3 is the mother-in-law of respondent No. 2. Applicant No. 2 is the brother of applicant No. 1 and stated to be employed in Police Department and has moved out of the village since 2007 onwards. The applicants have produced record before this Court demonstrating that applicant No. 2 was initially appointed as Assistant Teacher in the year 2007 and was away from his village Pangri (Bk.). It is further pointed out that, applicant No. 2 has cleared the examination conducted by Maharashtra Public Service Commission for the post of PSI. After his selection, he was inducted in employment in Police Department as a Police Sub-Inspector in the year 2012. The applicant No. 2 is functioning in the Police Department since 2012 and is away from village.

4. The allegations in respect of ill-treatment levelled against applicant No. 2 at its face value cannot be taken to be true. So far as applicant No. 1/husband and applicant No. 3/mother-in-law are concerned, according to us, it would be appropriate to allow the proceedings to proceed against them.

5. For the reasons recorded above, Criminal Application stands allowed to the extent of applicant No. 2 – Satish Ramprasad

Wayal. The criminal proceedings initiated against applicant No. 2 in pursuance to lodging of First Information Report bearing No. 0476/2016 on 02.12.2016 with Police Station, Chawni (Cantonment), Aurangabad for the offences punishable u/s 498A, 504, 323 r/w 34 of the Indian Penal Code, stand quashed.

6. Criminal Application to the extent of applicant No. 1 and applicant No. 3 stands dismissed.

7. Rule made absolute in the aforesaid terms.

[A. M. DHAVALE]
JUDGE

[R. M. BORDE]
JUDGE

sgp