

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

CRIMINAL APPLICATION NO. 1903 OF 2017

1. Sureshrao Anandrao Deshmukh,
Age 62 years, Occu. Agriculture,
2. Sau. Nirmala w/o Sureshrao Deshmukh,
Age 58 years, occu. Agriculturist
and Household

Both r/o Upala (M),
At present residing at Ram Nagar,
Osmanabad, District Osmanabad

3. Rohan s/o Sureshrao Deshmukh,
Age 35 years, occu. Business
4. Sau. Gauravi w/o Rohan Deshmukh,
Age 33 years, Occu. Household

Both r/o Bhandarkar Road, Pune

5. Sau. Sweta w/o Milind Tidke,
Age 33 years, Occu. Household
6. Milind s/o Prakash Tidke,
Age 27 years, Occu. Business

Both r/o Nashik, District Nashik

7. Harshad s/o Sureshrao Deshmukh,
Age 27 years, Occu. Student,
R/o Pune

..Applicants

Versus

1. The State of Maharashtra,
through Police Inspector,
Police Station, Ambad,
Taluka Ambad, District Jalna
2. Sau. Pruthava w/o Harshad
Deshmukh, Age 24 years,
Occu. Nil R/o Gondli,
Taluka Ambad, District Jalna

..Respondents

Mr V.D. Salunke, Advocate for applicants
Mr K.D. Munde, A.P.P. for respondent no.1
Mr R.S. Shinde, Advocate for respondent no.2

**CORAM : R.M. BORDE AND
A.M. DHAVAL, JJ.**

DATE : 5th July 2017

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

Heard.

2. Rule. Rule returnable forthwith. With the consent of parties, application is taken up for final disposal at admission stage.

3. The applicants are praying for quashment of the criminal proceedings initiated in pursuance to lodging of first information report bearing No.63 of 2017 on 3rd April 2017 registered at Police Station, Ambad for commission of offences punishable under Sections 498-A, 323, 494 read with Secs.34 of the Indian Penal Code.

4. The applicants no.1 and 2 are the parents of the husband of respondent no.2 – informant, whereas applicant no.7 is the husband of the complainant i.e. respondent no.2. The applicants no.3 and 4 are the brother and wife of the accused no.7, husband of the respondent no.2, whereas the applicants no.5 and 6 are the sister and husband of sister of applicant no.7, husband of respondent no.2. The respondent no.2 in the first information report, lodged on 3rd April 2017, registered at Ambad Police Station made grievance that she was being ill-treated by her husband and in-laws. It is also alleged that the members of family were ill-treating her on account of non-fulfillment of demand of Rs.10 lakhs for purchase of furniture for flat situated at Pune. It is

alleged by the informant that in August 2016, she was required to leave the matrimonial home as a result of ill-treatment meted out to her. She was again taken back, however, because of the repeated instances of ill-treatment, she finally left the matrimonial home in December 2016. It is further alleged by her that her husband has got married with one Pranavati Saste and as such, is responsible of commission of offence under Section 494 of the Indian Penal Code. The informant also stated to have presented complaint to the women cell, however, no cognizance thereof was taken as such, she was constrained to file the first information report in the month of April 2017.

5. The applicants contend that the behaviour of respondent no.2 was not proper and she hardly remained at matrimonial home after solemnisation of marriage. It is the contention of the applicants that her the husband of respondent no.2, i.e. applicant no.7 is residing at Pune for purpose of college education. The brother of the applicant no.7 and his wife i.e. applicants no.3 and 4 are residing at Pune. Applicant no.3 is an Engineer and he is employed at Pune. The applicant no.5, the sister of applicant no.7 and her husband applicant no.6 are residing at Bombay and have absolutely no connection with the alleged crime. The allegations made in the first information report are patently false. The applicant no.7 has presented petition to Family Court, Pune requesting to grant decree of divorce against respondent no.2, on 3rd March 2017. It is the contention of the applicants that as a counter-blast, after receipt of summons from Family Court, Pune, first information report appears to have been presented. It is also

contended by the applicants that on 11th December 2016, an application has been presented by the applicant no.1 to Police Station, Anandnagar, Osmanabad stating that the respondent no.2 threatened him with lodging of false criminal cases against him and his family members.

6. We have perused the first information report lodged by the respondent no.2 on 3rd April 2017. On reading the contents, it appears that the allegations levelled against all the members of family in respect of demand of amount of Rs.10,000/- for purchase of furniture are quite vague. There are no specifications in respect of the role played by the applicants in the alleged crime. It cannot be assumed that the members of the family, who are residing at Osmanabad and are not staying together with the applicant no.7 and the respondent no.2 can have any role to play in the alleged incident. Applicants no.5 and 6 are admittedly residing at Nashik and at present they have shifted to Bombay. Applicant no.3 who is brother of applicant no.7 is serving as Engineer and residing at Pune with his wife. It cannot be assumed that they have any role to play in the alleged crime. The parents of applicant no.7 i.e. applicants no.1 and 2 are staying at Osmanabad and since it appears that respondent no.2 stayed for some time at Osmanabad and for some time at Pune along with applicant no.7, they cannot be absolved at this stage of the proceedings.

7. In this view of the matter, the application presented by the applicants no.1, 2 and 7 seeking quashment of the criminal

proceedings cannot be considered favourably. However, application presented by applicants no.3, 4, 5 and 6 seeking quashment of the criminal proceedings initiated at the instance of respondent no.2 being Crime No.63 of 2017 registered on 3rd April 2017 at Police Station, Ambad, District Jalna shall stand quashed.

8. Rule is made absolute to the extent, as specified above.

(A.M. DHAVAL, J.)

(R.M. BORDE, J.)

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