

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

CRIMINAL APPLICATION NO. 202 OF 2018

- | Sl. No. | Applicant's Name | Age | Occupation | Address | Postcode | Phone No. | Signature | Stamp | Remarks |
|---------|---------------------------------------|----------------|-------------------|--|----------|-----------|-----------|-------|----------------------------------|
| 1. | Sachhidanand Ramesh Puri | Age 33 years, | Occu: Service | R/o Kargaon Road, Railway Line,
Chalisgaon 424101 | | | | | ... Applicants
(Orig.Accused) |
| 2. | Vasant Ramesh Gosavi | Age 61 Years, | Occu: Household | R/o Kargaon Road, Railway Line,
Chalisgaon 424101 | | | | | |
| 3. | Ganesh Kashinath Gosavi | Age 68 years, | Occu: Nil | R/o Swanu Narayan Nagar,
Nashik | | | | | |
| 4. | Vijay Ramesh Gosavi, | Age 40 years, | | | | | | | |
| 5. | Archana Vijay (Ramesh)Gosavi | Age 34 years, | Occu: Service, | 4 & 5 both R/o Dadawadi Nagar,
Near Highway, Jalgaon, | | | | | |
| 6. | Vinod Ramesh Gosavi, | Age 40 years, | Occu: | | | | | | |
| 7. | Sau. Sunita Vinod (Ramesh)
Gosavi, | Age 33 years, | Occu:
Service, | Both R/6&7 R/o 6, Pratik
Apartment, Aurangabad Naka,
Swami Narayan Nagar,
Panchavati,Nashik. Dist. Nashik | | | | | |
| 8. | Vishal Ramesh Gosavi, | Age: 37 years, | Occu: Service | R/o London University,
United Kingdom, | | | | | |
| 9. | Varsha Vishal Gosavi, | Age Major, | Occu: Service, | R/o Near Mahaveer English | | | | | |

School,
Shahada, Dist.

VERSUS

1. The State of Maharashtra
Through Police Inspector,
Police Station Chalisgaon,
Dist. Jalgaon.
2. Aarti Sacchidanand Puri ... Respondents
(Gosavi)
Age 33 years, Occu: Service,
Near S.T.Stand, Bijwe Lay Out,
Amrai Pura, Yeotmal,
Dist. Yeotmal

Mr. Girish Nagori, Advocate for the applicants
Mr. S. J. Salgare, APP for the respondent State.
Mr. R. D. Reddy, Advocate for respondent No.2

**CORAM : T. V. NALWADE AND
K. L. WADANE, JJ.**

DATE: : 7th June, 2018

JUDGMENT (Per K. L. Wadane, J.) :

1. Rule. Rule made returnable forthwith. With the consent of the parties, the application is taken up for final hearing.
2. The applicants/original accused have filed this application seeking to quash and set aside the first information report bearing Crime No.4/2018 registered with Chalisgaon Police Station, Taluka Chalisgaon Dist Jalgaon for the offence punishable under Section 498-A, 504, 506 read with 34 of the

Indian Penal Code.

3. Applicant No.1 is husband of complainant/respondent No.2. Applicant No.2 is mother-in-law and applicant Nos. 4 to 9 are sister-in-laws and brother-in-laws of respondent No.2.

4. On perusal of the first information report, it appears that complainant Aarti got married with accused No.1 Sacchidanand Puri in 2016. It is alleged that after the marriage, applicant No.1 husband and complainant wife stayed together at Chalisgaon for some days and thereafter shifted to Pune. After 7/8 days, her husband left the house at 12.00 midnight. When complainant inspected the articles in the house, she found photograph of a girl in the diary of her husband. Upon asking about the said photo, husband gave evasive answers and avoided to tell about the said girl/photo. She was not taken to the place of his service though she requested as she wanted to know where her husband works. When she brought this fact to the notice of her mother-in-law, she also asked her not to interfere in the affairs of her husband and abused her and gave her threats. Complainant also stated the said fact to her father-in-law but he also

did not pay any heed. It is alleged that the other applicants have mentally harassed her. The applicants asked the complainant to bring Rs.20 to 25 lakhs for purchasing flat at Pune and also asked about the account of her salary and demanded a car for them. The applicants have harassed the complainant physically and mentally, so also she was abused. It is alleged that her husband is having affair with one unmarried girl, and the other persons from the family are supporting him. Complainant narrated all these facts to her parents and thereafter, offence, as stated above, came to be registered against the applicants accused.

5. Heard Mr. Girish Nagori, learned counsel for the applicants, Mr. S. J. Salgare, learned APP for the respondent State and Mr. R. D. Reddy, learned counsel for respondent No.2.

6. Mr. Nagori, the learned counsel submits that he is not pressing the application for applicant No.3. Therefore, the application for applicant No.3 Ganesh Kashinath Gosavi is disposed of as not pressed.

7. From the record, it appears that Applicant Nos.

4 to 9 are brother-in-laws and sister-in-laws of respondent No.2/complainant. They all are in service and residing separately at the places of their service. Applicant Nos. 4 and 5 are residing at Jalgaon, however, it appears that applicant No.4 Vijay is serving at Chalisgaon and used to up-down from Jalgaon to Chalisgaon. Applicant Nos. 6 and 7 at Nashik and applicant Nos. 8 and 9 are residing at Shahada Dist. Nandurbar. From the FIR it appears that the complainant and accused No.1 shifted from Chalisgaon to Pune after marriage, where the incident alleged to have been taken place. Looking to the nature of allegations contained in the F.I.R., no role can be attributed to the present applicant Nos. 5 to 9 who are residing separately. As observed earlier, these applicants were residing at different places, away from the place of incident/house of the complainant.

8. It appears that all the family members of the husband are roped in by the complainant. One can understand about the allegations against mother-in-law and father-in-law. But here in the present case, absolutely vague allegations are made against applicant

Nos.5 to 9, who are residing far away from the residence of the complainant and her husband. There is no material particular quoting any specific incident of visit or about harassment against applicant Nos. 5 to 9 so as to attract ingredients of section 498-A of the Indian Penal Code. In the first place, allegations against applicant Nos. 5 to 9 in the first information report are general in nature. No specific act or overt-act is attributed to them. Secondly, even if the allegations in the first information report are taken at its face value, there is no specific instance or material particular which would strengthen the allegation of the complainant that there was harassment or ill-treatment at the hands of applicant Nos. 5 to 9 as contemplated under the provisions of Section 498-A I.P.C. so as to even make out a prima facie case against them.

9. In view of the above, we find considerable force in the argument of Mr. Nagori, learned counsel for the applicants for quashing the first information report to the extent of applicant Nos. 5 to 9. As such case is made out to the extent of applicant Nos.5 to 9. Hence following order:

O R D E R

- i. Application for Applicant No.1 - Sacchidanand Ramesh Puri, Applicant No.2 Vasanti Ramesh Gosavi and Applicant No.4 Vijay Ramesh Gosavi stands rejected.
- ii. The application for applicant No.3 Ganesh Kashinath Gosavi is disposed of as not pressed.
- iii. Application for Applicant Nos. 5 Archana Vijay Gosavi, Applicant No.6 Vinod Ramesh Gosavi, Applicant No.7 Sunita Vinod Gosavi, Applicant No.8 Vishal Ramesh Gosavi, and Applicant No.9 Varsha Vishal Gosavi is hereby allowed in terms of prayer clause (B).
- iv. Rule is made partly absolute in the above terms.

(K. L. WADANE, J.)

(T. V. NALWADE, J.)

JPC