

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

**CRIMINAL APPLICATION NO. 272 OF 2018**

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|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------|
| 1. Manik s/o Gulabrao Pawar,<br>Age 32 years, Occu: Agri.<br>R/o Rajewadi, Taluk Majalgaon,<br>District Beed                                                                                                                      | ... Applicants<br>(Orig.Accused) |
| 2. Savita w/o Gulabrao Pawar,<br>Age 65 years, Occu: Household<br>R/o Rajewadi Taluka Majalgaon<br>District: Beed                                                                                                                 |                                  |
| 3. Chandrakant s/o Gulabrao Pawar<br>Age 34 years, Occu: Household<br>R/o Rajewadi, Taluka Majalgaon<br>District Beed<br>At present C/o Morewada,<br>Kalikanagar, Near Bus Stand,<br>Majalgaon, Taluka Majalgaon<br>District Beed |                                  |
| 4. Sonali w/o Chandrakant Pawar<br>Age 31 years, Occu: Household<br>R/o Rajewadi, Taluka Majalgaon,<br>District Beed<br>At PresentC/o Morewada,<br>Kalikanagar, Near Bus Stand,<br>Majalgaon, Taluka Majalgaon<br>District Beed   |                                  |
| 5. Surekha w/o Satish Ghadge,<br>Age 36 years, Occu: Household<br>R/o June Post Office Samor<br>Chode Galli, Kallam, Taluka<br>Kallam, Dist. Osmanabad                                                                            |                                  |
| 6. Satish s/o Ramrao Ghadge<br>Age 39 years, Occu: Agril.<br>R/o June Post Office Samor<br>Chode Galli, Kallam, Taluka<br>Kallam, Dist. Osmanabad                                                                                 |                                  |

## VERSUS

1. The State of Maharashtra  
Through Dindurd Police Station  
Taluka Majalgaon, Dist. Beed.
2. Shrikanya w/o Manik Pawar, ... Respondents  
Age 27 years, Occu: Household,  
R/o Rajewadi, Taluka Majalgaon,  
District Beed  
At Post Shingar Galli, Kasba  
Pathe, Dharur, Taluka Dharur,  
District Beed

Mr. S. R. Shirsat, Advocate for the applicants  
Mr. S. J. Salgare, APP for the respondent State.  
Mr. S. T. Shelke, Advocate for respondent No.2

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

**DATE:** : 6thJune, 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 challenging criminal proceedings bearing R.C.C. No.51/2018 arising out of the first information report bearing Crime No.264/2017 registered with Dindurd Police Station District Beed and also prays for quashing the same.

3. Applicant No.1 is husband of complainant, applicant No.2 is mother-in-law of complainant, whereas, applicant No.3 is brother-in-law of complainant, applicant No.4 is wife of applicant No.3. Applicant No.5 is sister-in-law who is married and residing with her husband/applicant No.6.

4. On perusal of the first information report, it appears that complainant Shrikanya married with accused No.1 Manik Pawar in the year 2006. After the marriage, she was treated well for about two years. Thereafter, the applicants/accused have asked the complainant to bring Rs. 5 lakhs from her parents for purchasing car and on that count they used to beat her and made her to starve. She conveyed the demand to her parents but due to poor financial condition of her parents, the demand could not be fulfilled. The applicants gave ill-treatment to the complainant and harassed her physically and mentally for two years. Subsequently she was treated well. She has a son Vishwajit aged 5 years and a daughter Ankita aged 2 years from accused No.1 husband. Thereafter, again she was given illtreatment by the persons from his matrimonial house and were pursuing the demand of Rs.5

lakh for purchasing Car. It is alleged that her sister in-law and her husband applicant Nos. 5 and 6 respectively were also causing her mental harassment whenever they used to visit her matrimonial home. Her mother-in-law was torturing the complainant and made her to starve on account of the demand and was asking accused No.1 husband to pursue the demand with the complainant. It is alleged that when brother of the complainant came to her matrimonial house and tried to convince the persons from matrimonial home of the complainant, they abused the complainant and beat her with kick and fist blows and thrown the complainant and her brother out of the house and asked the complainant not to come back unless she brings Rs.5 lakh for purchasing car. With these allegations, offence came to be registered against the applicants accused for the offences punishable under sections 498-A, 323, 504, 506 read with 34 of the Indian Penal Code.

5. During investigation, the Investigating Officer has recorded statement of various witnesses and submitted the charge-sheet against the applicants. The applicants are allowed to amend the application so as to add prayer for quashing of charge-sheet. Amendment

to be effected immediately.

6. We have perused the statements of witnesses i.e. father, mother, brother and other witnesses recorded by the investigating officer. Statements of all these witnesses are in line with the contents of the first information report. Almost all the allegations which are appearing in the first information report are reproduced in the statements of the witnesses.

7. From the record, it appears that Applicant No.4 i.e. original Accused No.3 Sonali Pawar is wife of brother of husband of the complainant. Applicant/accused No.5 is sister of accused No.1 husband. She is married and seems to be residing with her husband/accused No.6-Satish Ghadge at Kallam Dist. Osmanabad, away from the matrimonial house of the complainant where the offence alleged to have been committed. It is nowhere clear from the statements of the witnesses that Applicant No.5 Surekha Ghadge and applicant No.6 Satish Ghadge, original accused Nos. 5 and 6 respectively, had been to the matrimonial house of the complainant at any specific point of time.

8. Accused Nos. 5 and 6 are residing at Kallam. One can understand about the allegations against mother-in-law, father-in-law and brother in-law. But herein the present case, allegations against applicant Nos.5 & 6 who are residing far away are absolutely vague. Applicant No.4 is wife of brother of husband of the complainant, residing at Majalgaon. There is no evidence record to show that applicant No.4 Sonali w/o Chandrakant Pawar and applicant Nos. 5, and 6 have ill-treated or harassed the complainant in any manner.

9. On perusal of the statements of witnesses, it appears that what is stated in the first information report by the complainant against the applicants have been repeated. There is no material particular quoting any specific incident of visit or about ill-treatment or harassment against applicant Nos. 4, 5 and 6 so as to attract ingredients of section 498-A of the Indian Penal Code. In the first place, allegations against applicant Nos. 4, 5 and 6 in the first information report are general in nature. No specific act or overt-act is attributed to the applicant 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. 4, 5 and 6 as contemplated under the provisions of Section 498-A I.P.C. so as to even make out a prima facie case against them.

10. Moreover, this is a second round of litigation under section 498-A. Earlier also the complainant had lodged complaint against the applicants and other accused which came to be settled and the accused therein were acquitted by the J.M.F.C., Majalgaon by order dated 13.08.2012 in RCC No.56/2009.

11. In view of the above, we find considerable force in the argument of Mr. Shirsat, learned counsel for the applicants for quashing the criminal proceedings to the extent of applicant Nos. 4, 5 and 6. As such case is made out to the extent of applicant Nos. 4, 5 and 6. Hence following order:

#### **O R D E R**

i. Application of applicant No.4 Sonali w/o Chandrakant Pawar, Applicant No.5-Surekha w/o Satish Ghadge and Applicant No.6 Satish s/o Shamrao

Ghadge is hereby allowed in terms of prayer clause  
(B) and (B-1).

ii. The application of other applicants stand rejected.

iii. Interim relief in respect of other applicants is  
vacated. Trial to proceed.

iv. Rule is made partly absolute in the above terms.

**(K. L. WADANE, J.)**

**(T. V. NALAWADE, J.)**

JPC