

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

31 CRIMINAL APPLICATION NO.630 OF 2014

- 1) Dr.Pradnya s/o Taterao Kamble, Age 40 years, Occ.: Service as Medical Professional, R/o.: 14 – 226, Mirzalgoda, Secunderabad, Andhra Pradesh.
- 2) Mrs.Nirmala w/o Taterao Kamble Age 62 years, Occ.: Household, R/o.: 14 – 226, Mirzalgoda, Secunderabad, Andhra Pradesh.
- 3) Taterao s/o Masaji Kamble, Age 64 years, Occ.: Advocate and Social Worker, R/o.: 14 –226, Mirzalgoda, Secunderabad, Andhra Pradesh.
- 4) Mrs. Karuna w/o Tipanna Dange Age 35 years, Occ.: Service as Lecturer, R/o.: 505, Balaji Arcade, Ravindra Nagar, Sitaphalmandi, Secunderabad, Andhra Pradesh.
- 5) Ms.Nalanda d/o Taterao Kamble, Age 30 years, Occ.: Service as Teacher, R/o.: 14 – 226, Mirzalgoda, Secunderabad, Andhra Pradesh.

...Applicants

Versus

- 1) The State of Maharashtra, Through Bhagy Nnagar Police Station, Nanded.
- 2) Alkarani d/o Sudam Muneshwar, Age 30 years, Occ.: Doctor, R/o.: Sangwi (Bk), 2-B, Cultural Society, Nanded, Dist. Nanded.

...Respondents

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Advocate for Applicants : Mr. P.K. Chavarae and Ajit Gaikwad.

APP for Respondent No.1/State : Mr. M.M. Nerlikar.

Advocate for Respondent No.2 : Mr. G.G. Kadam.

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**CORAM : T.V. NALAWADE &
K.L. WADANE, JJ.**

DATE : 23RD JULY, 2018

JUDGMENT : (PER K.L. WADANE J.)

1. Rules. Rule made returnable forthwith. With the consent of the parties, the application is taken up for final hearing.

2. The applicants have challenged the Regular Criminal Case No.356/2010, pending on the file of the Judicial Magistrate First Class at Nanded.

3. We have heard the argument of Mr. Chavare, the learned counsel for the applicants, Mr. Nerlikar, the learned APP for respondent No.1/State and Mr. Kadam, the learned counsel for respondent No.2.

4. We have perused the contents of the FIR, on the basis

of which, offence came to be registered against the applicants/accused for the offences punishable under Sections 498(A), 323, 504 read with 34 of the Indian Penal Code. The allegations in the first information report are that respondent No.2 married with applicant No.1 on 2nd November, 2009. Unfortunately, the instances of ill-treatment was started in pendal during the marriage itself and it is alleged by respondent No.2 that on the day of marriage, applicant No. 1 by shutting her mouth pushed her in make-up room. After the marriage, when respondent No.2 resided with the applicants for about 4 days at that time, applicant No.1 to 5 have demanded an amount of Rs.10 lakhs for opening a clinic. Subsequently, respondent No.2 and applicant No.1 went for outing by air and they resided in Five Star Hotel. At that time also applicant No.1 asked respondent No.2 to bring an amount of Rs.1 lakh. When applicant No.1 and respondent No.2 returned to Hyderabad, at that time, respondent No.2 informed the incident of ill-treatment on the telephone to her parents. Therefore, on 28.01.2010, her parents came at Hyderabad. At that time, applicant Nos.1, 2, 3 and 5 demanded an amount of

Rs.10 lakhs from the parents of respondent No.2. When they explained their inability to pay such huge amount, applicant Nos.1, 2, 3 and 5 abused her parents in filthy language. So also, applicant Nos.1, 2, 3 and 5 caught-hold the hair of respondent No.2 and beaten her and drove her out of the house at about 02.00 a.m. Therefore, respondent No.2 and her parents went to Nanded. So as to avoid the defamation in the society, they decided to compromise the matter and accordingly, message was given to the applicants, on which the applicants came to the house of the parents of respondent No.2, on 31.01.2010. At that time, the father of respondent No.2 paid an amount of Rs.2 lakhs, on which the applicants have abused the father of respondent No.2 by saying '*Bhikari*'. Applicant No.1 assaulted respondent No.2 and then all of them went from there.

5. Looking to the series of instances narrated and quoted in the FIR, it appears that there are various instances of the ill-treatment to respondent No.2 at the hands of applicant Nos.1, 2, 3 and 5. The nature of the allegations against the above applicants are very specific. The act of the above applicants is very specific

by which, it is seen that they have demanded a huge amount of Rs.10 lakhs, due to which they were abusing the parents of respondent No.2 and also beating respondent No.2. However, there is no specific allegations against applicant No.4. Applicant No.4 appears to be married sister of applicant No.1 and looking to her address mentioned in the title clause of the Application, it appears that she is residing at Balaji Arcade, Ravindranagar, Sitaphalmandi, Secundrabad, Andhra Pradesh, whereas, the residential address of applicant Nos.1, 2, 3 and 5 appears is 226, Mirzalgoda, Secundrabad, Andhra Pradesh. From which it appears that applicant Nos.1, 2, 3 and 5 are residing together in one house. However, case of applicant No.4 Mrs.Karuna is different. She appears to be in service as a lecturer. Therefore, there was no occasion for her to reside in the house of applicant Nos.1, 2 3 and 5.

6. In view of the vague allegations against applicant No.4 and specific allegations against applicant Nos.1, 2, 3 and 5, we are of the opinion that the application of applicant No.4 only is liable to be allowed. Accordingly, it is allowed.

7. The relief is granted in favour of Applicant No.4 – Mrs. Karuna w/o Tipanna Dange in terms of prayer Clause 'A'. The application of the remaining applicants i.e. applicant Nos.1, 2, 3 and 5 stands dismissed. Rule is made absolute in those terms.
8. The interim relief/order, which was made in favour of applicant Nos. 2, 3 and 5 stands vacated.
9. The Application is disposed of.

[K.L. WADANE, J.]

[T.V. NALAWADE, J.]