

**IN THE HIGH COURT AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD**

CRIMINAL APPLICATION NO. 754 OF 2016

1. Makrand s/o. Ram @ Ramrao Giri,
Age 31 years, Occu. Education,
R/o. Umarga, Tal. Ahemadpur,
Dist. Latur, At present R/o. C/o.
Ravindra Hemraj Dhangekar,
House No. 797, Raviwar Peth, Pune,
Dist. Pune (411 002).
2. Samadhan s/o. Ram @ Ramrao Giri,
Age 26 years, Occu. Education,
R/o. Umarga, Tal. Ahemadpur, Dist. Latur,
At present R/o. House No. 5-1-3524,
Prakash Nagar, Barshi Road, Latur,
Dist. Latur.

....Applicants.

Versus

1. The State of Maharashtra
Through the Police Station Officer,
Police Station Gangakhed,
Tal. Gangakhed, Dist. Parbhani.
2. Lochana w/o. Vitthalprasad Giri,
Age 27 years, Occu. Service as
Conductor, Gangakhed Bus Depot,
Gangakhed, Tal. Gangakhed,
Dist. Parbhani.
Also R/o. C/o. Naresh s/o. Hanumant
Giri, At/po. Ukhali (Bk), Railway
Station, Tal. Sonpeth, Dist. Parbhani.

....Respondents.

Mr. A.R. Devkate, Advocate for applicants.

Mrs. V.S. Choudhary, APP for respondent No. 1/State.

Mr. M.P. Kale, Advocate for respondent No. 2.

**CORAM :T.V. NALAWADE AND
SMT. VIBHA KANKANWADI, JJ.
DATED : 10/10/2018.**

JUDGMENT : [PER T.V. NALAWADE, J.]

- 1) Amendment in the proceeding is to be made to add the relief of quashing of the charge sheet, the case itself as after filing of the present proceeding, charge sheet came to be filed. Amendment is to be carried out immediately.
- 2) Rule. Rule made returnable forthwith. By consent, heard both the sides for final disposal.
- 3) The proceeding is filed under section 482 of Criminal Procedure Code for relief of quashing of F.I.R. No. 255/2015 registered with Gangakhed Police Station, Parbhani for the offences punishable under sections 307, 498-A r/w. 34 etc. of Indian Penal Code and also the proceeding of R.C.C.No. 152/2016, which was filed in this crime and which is pending in the Court of Additional Sessions Judge, Gangakhed.
- 4) The crime is registered on the basis of report given by one Lochana Giri, first informant, who is wife of brother of applicant Nos. 1 and 2. The marriage of first informant took place few years prior to the date of incident. The first informant was working as Conductor in Gangakhed Depot. She has made allegations that on 14.9.2015 at about 6.00 p.m. the wife of cousin of her husband

came to her house, picked up quarrel and gave slaps to her. She has made allegations that she then contacted her father in law and informed the incident. She has made allegations that mother in law and wife of other brother came to her house, but they did not take her side and then all accused attempted to finish her by administering poison to her. Specific allegations in that regard are made as against the husband. Surprisingly, it is contended that the wife of the brother in law had concealed her face by using piece of cloth at the time of incident, but it was removed by first informant during the incident.

5) In the F.I.R., she has made allegations against the present applicants that applicants were having talk with her husband on phone and they used to ask her husband to make demand of money. The F.I.R. does not show that on the day of incident, applicants were present in the house of the first informant.

6) The learned counsel for applicants drew the attention of this Court to some record showing that applicant No. 1 was living at other station initially for education and then he got job. Some record in that regard is produced. In view of these circumstances and as there are only allegations of aforesaid nature against the present applicants, this Court holds that relief needs to be granted to them.

In the result, the application is allowed. Relief is granted in terms of prayer clause 'B' which include the quashing of criminal proceeding bearing R.C.C. No. 152/2016 which is pending in the Court of Additional Sessions Judge, Gangakhed. Rule is made absolute in those terms.

[SMT. VIBHA KANKANWADI, J.]

[T.V. NALAWADE, J.]

ssc/