

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

CRIMINAL APPICATION NO. 6069 OF 2017
WITH
CRIMINAL APPLICATION NO. 499 OF 2018

1. Mahesh s/o. Mukttaji Chopade,
Age 32 years, Occu. Service,
R/o. P.H.C., Panwadod, Tq. Sillod,
Dist. Aurangabad.
[As per Court Order dated 9.2.2018
application of applicant No. 1 is
withdrawn].
2. Mukttaji s/o. Maroti Chopade,
Age 58 years, Occu. Retired,
R/o. Chaya Nagar, N-9, CIDCO,
Aurangabad.
3. Lata w/o. Mukttaji Chopade,
Age 54 years, Occu. Household,
R/o. Chaya Nagar, N-9, CIDCO,
Aurangabad.
4. Monali d/o. Mukttaji Chopade,
Age 27 years, Occu. Service,
R/o. J.J. Hospital Campus, Bycula,
Mumbai.
5. Laxman s/o. Maroti Chopade,
Age 37 years, Occu. Agriculturist,
R/o. A/p Panchunde, Tq. Nevasa,
Dist. Ahmednagar.
6. Chandrakant @ Gahininath s/o.
Manikrao Handal, Age 72 years,
Occu. Nil, R/o. A/p Handalwadi,
Tq. Pathardi, Dist. Ahmednagar.

....Applicants.

Versus

1. The State of Maharashtra
Through Sirsala Police Station,
Tq. Parli, Dist. Beed.

2. Rukmini w/o. Mahesh Chopade,
Age 33 years, Occu. Medical Officer,
R/o. C/o. Sadashev Khadke,
Village Kavlechi Wadi, Tq. Ambejogai,
Dist. beed and P.H.C. (Primary
Health Centre), Tadsonna, Tq. Beed,
Dist. Beed.

....Respondents.

Mr. R.G. Joshi, Advocate for applicants.

Mr. S.J. Salgare, APP for respondent No. 1/State.

Mr. S.R. Dheple, Advocate for respondent No. 2.

**CORAM : T.V. NALAWADE AND
K.L. WADANE, JJ.
DATED : JUNE 25, 2018.**

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

1) Rule. Rule made returnable forthwith. By consent, heard both the sides for final disposal.

2) The proceeding is filed under section 482 of Criminal Procedure Code (hereinafter referred to as 'Cr.P.C.' for short) for relief of quashing of chargesheet bearing R.C.C. No. 212/2017, which is presently pending in the Court of Judicial Magistrate, First Class, Parli-Vaijnath. The case is filed for offences punishable under sections 498-A, 323, 504, 506, 34 of Indian Penal Code (hereinafter referred to as 'IPC' for short). F.I.R. is given by respondent No. 2 Rukmini, who is wife of applicant No. 1 Mahesh. The application of applicant No. 1 Mahesh was withdrawn in February 2018 and the application is prosecuted for remaining applicants.

2) Applicant Nos. 2 and 3 are the parents of applicant No. 1 Mahesh. Applicant No. 4 Monali is the sister of Mahesh and applicant Nos. 5 and 6 are maternal and paternal uncles of Mahesh. The place of residence of applicant No. 4 Monali is shown as Mumbai and place of residence of applicant Nos. 5 and 6 is shown as Ahmednagar, but they are from different villages of Ahmednagar. The parents of husband are shown to be residents of Aurangabad.

3) In F.I.R., allegations are made that after few days of the marriage, illtreatment was given to first informant by all the applicants. The marriage took place on 30.5.2015 and allegations are made that in the first incident dated 4.6.2015, mother in law and sister in law, applicant Nos. 3 and 4 snatched and took the gold ornaments from the person of first informant and all the accused were asking her to hand over the money which she must have saved by working as Medical Officer. Allegations are made that the applicants were asking her to bring amount of Rs.10 lakh as they wanted to construct house in Aurangabad. It is her case that when she could not bring the money, they started asking her to take loan of Rs.10 lakh on the basis of her salary. It is her case that due to harassment, she was depressed and she gave up of the service. It is her case that she approached the Grievance Cell, but matter could

not be settled and the applicants refused to take her back to the matrimonial house and so, she was required to give report.

4) Allegations are made that she was driven out of the house on 8.9.2015 and the report came to be given on 4.8.2017. The record is produced to show that applicant No. 4 Monali was doing internship in Grant Hospital Mumbai and then she was posted also in Mumbai after completion of internship. There is the record for the period starting from 23.2.2015 in favour of Monali and allegation is made against her that on 4.6.2015 she and her mother snatched ornaments from the person of first informant and illtreatment was given by Monali also. Chargesheet is not filed for the offence punishable under section 406 of IPC. Monali is also doctor and there is sufficient record to show that for her service, for internship, she has been living in Mumbai.

5) Allegations as against applicant Nos. 5 and 6 are also vague and it can be said that they had no reason to instigate the husband or parents of the husband to give illtreatment. No specific instances are there involving them in particular instance in F.I.R. In view of these circumstances, this Court holds that it will be abuse of process of law if applicant Nos. 4, 5 and 6 are made to face the trial for aforesaid offences. In the result, application of applicant Nos. 4

Monali Mukttaji Chopade, applicant No. 5 Laxman s/o. Maroti Chopade and applicant No. 6 Chandrakant @ Gahininath s/o. Manikrao Handal is allowed. The chargesheet filed against them for the aforesaid offences is quashed and set aside. The application of applicant Nos. 2 and 3 stands dismissed. Other application filed for amendment is allowed and disposed of. Rule is made absolute in aforesaid terms.

[K.L. WADANE, J.]

[T.V. NALAWADE, J.]

ssc/