

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 574 OF 2018

- 1) Natha s/o Kishan Choudhari,
Age 65 years, Occupation Nil,
Behind Prashant Medical, Bhist Naka,
Vivekanand Colony, Pipeline Road,
Ahmednagar.
 - 2) Dnyandeo s/o Kishan Choudhari,
Age 58 years, Occupation Agriculture,
R/o Gund Vasti, Khuntephal,
Tq. Ashti Dist. Beed.
 - 3) Sau. Asha w/o Govind Amte,
Age 35 years, Occupation Household,
R/o Nakhate Vasti, Krishna Nagari,
Kalewadi, Pune.
 - 4) Sau. Sushma @ Surekha w/o Dilip Arade,
Age 32 years, Occupation Household,
R/o Kalamboli, Panvel,
Tq. Panvel Dist. Raigad.
- ...Applicants

Versus

- 1) The State of Maharashtra
Through Police Station Officer,
Police Station, Ambhora
Tq. Ashti Dist. Beed.
 - 2) Sau. Sadhana w/o baban Murumkar,
Age 25 years, Occupation Household,
R/o Koyal Tq. Ashti Dist. Beed.
At Present R/o Tandali Wadgaon
Tq. Nagar Dist. Ahmednagar.
- ...Respondents

Mr. R. B. Deshpande, Advocate for applicants.
Mr. R. P. Gour, Addl. Public Prosecutor, for respondent No.1 /
State.
Mr. U. A. Shinde, Advocate for respondent No.2.

**CORAM : T. V. NALAWADE &
SMT.VIBHA KANKANWADI. JJ.**

DATE : 19-09-2018.

ORAL JUDGMENT : (Per SMT. VIBHA KANKANWADI, J.)

1. Present application has been filed by original accused No.4 to 7 invoking the inherent powers of this Court under Section 482 of the Code of Criminal Procedure in order to quash the First Information Report vide Crime No. 315 of 2017, registered with Police Station Ambhora Tq. Ashti Dist. Beed, for the offences punishable under Section 498-A, 323, 504, 506 read with 34 of the Indian Penal Code.
2. Respondent No.2 got married to one Baban Soipan Murumkar (Accused No.2) on 11-06-2015. Applicants No.1 and 2 are the maternal uncle of husband of respondent No.2. Applicants No.3 and 4 are the married sister-in-laws of respondent No.2.
3. Respondent No.2 – informant has contended that, at the time of marriage her father had given household articles and gold ornaments. After marriage she went to Koyal Tq. Ashti to cohabit with her husband. After the marriage she was treated well for three

months only. Thereafter her husband started ill-treating her by raising suspicion over her chastity. He used to abuse her, assault her. When her husband's motorcycle was stolen by the thieves, he started demanding money to be brought from her parents for purchase of motorcycle. On the say of her husband, her brother Kiran visited her house and took respondent No.2 with him at her maternal house at Wadgaon Tandali. There was attempt made by her relatives and meeting was arranged between her maternal and matrimonial relatives and again she went for cohabitation on 27-09-2016. When her sister-in-laws Asha and Sushma came for Diwali festival at Koyal, they both took out her gold ornaments from her person and asked respondent No.2 to bring money for purchase of motorcycle and abused her, threatened her and assaulted her. Maternal uncles of her husband used to instigate her husband to assault her. Accused persons had called her brother Kiran on 10-01-2017 and asked about money. It was informed by him that it is not possible to fulfill their demands. Her brother took her to maternal home again. Therefore, informant went to Mahila Samupdeshan Kendra, Ahmednagar and made attempt to have a compromise but it failed, and therefore she has lodged the report.

4. The applicants have contended that, it is a false and imaginary story. It is afterthought allegations with only intention to harass them. Details of the events have not been given and they have

been kept as vague as possible. No specific role is attributed to applicants. All of them are residing separately from husband and his parents. Therefore, they have prayed for quashment of the proceeding.

5. Heard learned Advocate Mr. R. B. Deshpande appearing on behalf of applicants, learned Addl. Public Prosecutor Mr. R. P. Gour and learned Advocate Mr. V. A. Shinde, appearing on behalf of respondent No.2.

6. The application was considered because of applicants No.1 and 2 are maternal uncle of husband of respondent No.2 and applicants No.3 and 4 are married sister-in-laws of respondent No.2. No specific role has been attributed against them. If at all there would have been a demand it would have been mainly by the husband and the father and mother-in-law. The perusal of the entire FIR as well as statements of witnesses would show that all of accused are stated to have made the demand in chorus which is not possible when they were not residing in the same house. Nothing was demanded by applicants No.1 to 4 for themselves as per the allegations in the FIR and statements of witnesses. All the applicants are residing separately from the husband of informant. It appears that, as a routine all the relatives of the husband have been roped. Under such circumstance relief is required to be granted to the applicants

No.1 to 4 by invoking the inherent powers of this Court under Section 482 of the Code of Criminal Procedure. Hence, following order.

ORDER

- 1) Application is hereby allowed.
- 2) Relief is granted in terms of prayer clause "CC".
- 3) Rule made absolute in the above terms.

(SMT. VIBHA KANKANWADI)
JUDGE

(T. V. NALAWADE)
JUDGE

vjg/-.