

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

CRIMINAL APPLICATION NO. 1360 OF 2013

- 1) Subhash s/o Chhabilal Patil,
Age 28 years, Occ. Business,
R/o. Dnyaneshwar Colony,
Behind Pratap College, Amalner,
Dist. Jalgaon.
- 2) Balu s/o Chabilal Patil,
Age 49 years, Occ. Business.
R/o. Plot No. 47, Gat No. 29,
Muktainagar, Jalgaon.
- 3) Sarjerao @ Sanjay Chhagan Patil,
Age 44 years, Occ. Business,
R/o. As above.
- 4) Hemangi w/o Hemant Bhamre,
Age 27 years, Occ. Service,
Presently working as District
Settlement Officer, at Collectorate,
Office, Dhule, R/o. 85, Adarsh
Nagar, Balwadi Shivar, Dhule.

... **Applicants**
(Original Accused No.
2 to 4 and 15)

VERSUS.

- 1) The State of Maharashtra.
- 2) Jayabai Mahendra Patil,
Age 21 years, Occ., Household,
R/o. Plot No. 23, Dnyaneshwar
Colony, Behind Pratap College,
Amalner, Dist. Jalgaon, presently
residing at Dahiwad, Tq. Chalisgaon, ... **Respondents.**
Dist. Jalgaon. (Respondent No. 2
is Orig. Complainant)

...

Advocate for Applicants : Mr. Pawar H.F.
APP for Respondent No. 1 : Mr. S. J. Salgare.
Advocate for Respondent No. 2 : Mr. P.B. Patil.

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

DATE : 25th JULY, 2018

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

1. Rule. Rule made returnable forthwith.
2. By consent heard both sides for final disposal.
3. The applicants have filed application under section 482 of the Code of Criminal Procedure for relief of quashing the proceeding Reg. Criminal Case No. 107/2012 pending on the file of learned Judicial Magistrate First Class, Chalisgaon, arising out of Crime No. 132/2011 registered at Mehunbare Police Station, District Jalgaon, for the offences punishable under section 498A, 406, 323, 504, 506 read with section 34 of the Indian Penal Code.
4. The respondent No. 2 herein lodged complaint with police station on 18.12.2011 by alleging that on 10.05.2009 she married with one Mahendra Ashok Patil. After marriage her husband Mahendra, father-in-law Ashok, mother-in-law Pushpabai were demanding an amount of Rs. 3,60,000/- to release the landed property at village Bohra Tq. Amalner. When respondent No. 2 expressed her inability to pay such huge amount, at that time the husband, mother-in-law and father-in-law of the respondent No. 2 abused her and started illtreatment.

5. It is further alleged that when she was residing with her husband, mother-in-law and father-in-law, the applicants instigating the husband, mother-in-law and father-in-law and they were abusing her. Respondent No. 2 was not in position to bring the money therefore drove her out of the house. On the instigation of the applicants the father-in-law, mother-in-law and husband of the respondent No. 2 illtreating her. On the basis of the first information report offence came to be registered and after investigation the charge-sheet has been filed before the Judicial Magistrate, First Class, Chalisgaon.

6. From the contents of the first information report and other record it appears that there are allegations of mental and physical illtreatment at the hands of husband, mother-in-law and father-in-law. The allegations against the applicants are about the instigation to the husband for making illegal demand etc. On perusal of the record it appears that the applicant No. 1 and 2 are cousin brother-in-laws of the respondent No. 2, applicant No. 3 is husband of sister of accused Mahendra/husband and applicant No. 4 is cousin niece of accused Mahendra/husband. They appears to be residing separately from the respondent No. 2 and her husband. The applicant No. 1 is residing at Amalner, applicants No. 2 and 3 are residing at Muktainagar and applicant No. 4 is residing at her service place at Dhule. The allegations against these applicants are absolutely vague. No specific instance or particular act alleged or quoted in first information report against the present applicants. There are specific allegations against the husband, father-in-law and mother-in-law of the respondent No. 2. Furthermore, the copy of Hindu Marriage Petition No. 480/2015 and its judgment are

placed on record. From which it appears that respondent no. 2 and her husband Mahendra moved an application under section 13-B of the Hindu Marriage Act, 1955, for divorce by mutual consent and that petition was allowed on 20.04.2016.

7. In view of the above, it seems that the applicants are unnecessarily involved in the present crime that too without any specific allegations against them. Therefore, due to such allegations the criminal prosecution cannot allowed to be continued against them. Hence, application is allowed. Relief is granted in terms of prayer clause 'B'. Rule is made absolute in those terms.

8. Criminal application is disposed of.

(K. L. WADANE, J.)

(T.V. NALAWADE, J.)