

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 830 OF 2018

- 1) Vitthal s/o Dagadu Tekale,
Age 40 years, Occupation Agri.,
- 2) Dagadu s/o Ganpat Tekale,
Age 75 years, Occupation Agri.,
- 3) Vishnu s/o Ramchandra Gore,
Age 45 years, Occupation Agri.,

No.1 to 3 R/o Rui Chhatishi,
Tq. and Dist. Ahmednagar.
- 4) Bajrang s/o Jyotiba Redekar,
Age 60 years, Occupation Agri.,
- 5) Asha s/o Bajrang Redekar,
Age 60 years, Occupation Agri.,

No.4 and 5 R/o Plot No. 16/B,
Shantai Canal Road, Dhruva Nagar,
Nashik Tq. and Dist. Nashik.
- 6) Jaya w/o Vishnu Gore,
Age 36 years, Occupation Agri.,
R/o Rui Chhatishi,
Tq. and Dist. Ahmednagar.
- 7) Vijaya w/o Dagadu Tekale,
Age 60 years, Occupation Agri.,
R/o Koyal Tq. Ashti Dist. Beed.

...Applicants

Versus

- 1) The State of Maharashtra,
Through Public Prosecutor,
High Court of Bombay
Bench At Aurangabad.

2) The Investigation Officer,
Ambhora Police Station, Ambhora,
Tq. Ashti Dist. Beed.

3) Sarika w/o Vitthal Tekale,
Age 34 years, Occupation Household,
R/o Koyal At Present Loni
Tq. Ashti Dist. Beed.

...Respondents

Mr. D. R. Jayabhar, Advocate for applicants.

Mr. A. A. Jagatkar, Addl. Public Prosecutor, for respondents
No.1 and 2 / State.

Ms. Gitanjali R. Jagtap, Advocate for respondent No.3.

**CORAM : T. V. NALAWADE &
SMT.VIBHA KANKANWADI. JJ.
DATE : 29-10-2018.**

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

1. At the outset, learned Advocate for the applicants seeks permission to withdraw the application to the extent of applicants No.1, 2 and 7.

2. Permission granted. The application stands disposed of as withdrawn to the extent of applicants No.1 , 2 and 7.

3. Rule. Rule made returnable forthwith. By consent, heard finally.

4. Present application has been filed by original accused persons 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. 307 of 2017, registered with Ambhora Police

Station Dist. Beed, for the offences punishable under Section 498-A, 323, 504 read with 34 of the Indian Penal Code.

5. It is not in dispute that, respondent No.3 got married to applicant No.1 on 24-03-2006 at Loni Sayyadmir Tq. Ashti Dist.Beed. There is no issue born to them. Applicant No.1 is the husband of respondent No.3, applicants No.2 and 7 are the parents of applicant No.1, and applicants No.5 and 6 are the sisters of applicant No.1 and applicants No.3 is husband of applicant No.6 and applicant No.4 is husband of applicant No.5.

6. Respondent No.3 – informant has contended that, at the time of marriage her parents had given household articles and Rs.1 lakh as dowry. After six months of marriage, all of the applicants on petty count used to ill-treat her, they used to ask her that she has no issue. They used to keep her on starvation, abuse her and ill-treat her physically and mentally. When she had been to Punjab State with her husband at his service place, her husband had assaulted her. She narrated the said fact to senior officers of her husband. Thereafter her husband transferred to Rajasthan. When her husband took her to Rajasthan, he had assaulted her at the place of residence there also. At that time she had narrated about the ill-treatment to her brother on phone. When she was with her parents on 26-05-2017, her husband came to Koyal and took her for

cohabitation on the assurance that he will treat her properly. All applicants asked her on 28-05-2017 to bring Rs.20 lakhs for construction of house, when she was at her matrimonial house. When she told them that, her parents are poor and they are unable to give money, at that time all assaulted and abused her and drove her out of the house.

7. The applicants have contended that, it is a false and concocted story. The applicants No.5 and 6 are married sisters of applicant No.1 and they are residing with their respective husbands i.e. applicants No.3 and 4 at their matrimonial places. 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. Applicant no.1 had given medical treatment to the respondent No.3 at Military Department. The FIR is lodged with ill-motive to harass applicants. Therefore, they have prayed for quashment of the proceeding.

8. Heard learned Advocate Mr. D.R . Jayabhar appearing on behalf of applicants, learned Addl. Public Prosecutor Mr. A. A. Jagatkar for respondents No.1 and 2 – State and learned Advocate Ms. Gitanjali R. Jagtap, appearing on behalf of respondent No.3.

9. The application was considered only for the allegations against the married sister-in-laws and their husbands, that applicants No.3

to 6. 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 would show that all of them had made the demand in chorus which is not possible when elders are there. Nothing was demanded by applicants No.3 to 6 for themselves as per the allegations in the FIR itself. Further, as per the contents of FIR itself, respondent No. 2 and her husband were the only persons residing at the place of posting of husband, which was for a considerable time. 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.3 to 6 by invoking the inherent powers of this Court under Section 482 of the Code of Criminal Procedure. Hence, following order.

ORDER

- 1) Application to the extent of applicants No.1, 2 and 7 is disposed of as withdrawn.
- 2) Application of applicants No.3 to 6 is hereby allowed.
- 3) Relief is granted in terms of prayer clause "D" to the applicants No.3 to 6 only.
- 4) Rule made absolute in the those terms.

(SMT. VIBHA KANKANWADI)
JUDGE

(T. V. NALAWADE)
JUDGE

vjg/-.