

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

CRIMINAL APPLICATION NO. 852 OF 2018

1. Shantabai Balasaheb Kshetre
Age : 54 years, Occu : Household
2. Balasaheb Hiraji Kshetre
Age : 60 years, Occu : Pensioner
3. Vishal Balasaheb Kshetre
Age 27 Years, Occu : Service

All R/o. Karanji, Tq. Pathardi,
Dist. Ahmednagar.

4. Vaishali Bhausahab Misal
Age : 32 years, Occu : Household
R/o Survey No. 69 - 10, Mauli
Nagar, Dighi Camp Pune.
5. Ujawala Balasaheb Ohal
Age : 31 years, Occu :
R/o. Bhingar, Ahmednagar,
Tq. & Dist. Ahmednagar.
6. Mahesh Balasaheb Kshetre
Age : 28 years, Occu : Driver
R/o. Karanji, Tq. Pathardi,
Dist. Ahmednagar.

... Applicants
(Ori. accused)

VERSUS

1. The State of Maharashtra,
through its Police Station
Pathardi, Tq. Pathardi,
Dist. Ahmednagar.
2. Priti Mahesh Kshetre
Age : 21 years, Occu : Household
R/o. C/o. Babasaheb Bhima
Khandagale, R/o. Bhilwade
(Kolhewadi), Tq. Pathardi,
Dist. Ahmednagar.

... Respondents

Advocate for Applicant : Mr. Sudhir K Chavan,
APP for respondent/State : Mr. S. J. Salgare
Advocate for Respondent No. 2 : Mr. N. B. Narwade

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

DATE : 19th June, 2018

JUDGMENT (PER K.L. WADANE, J)

1. Applicant Nos. 1 Shantabai Balasaheb Kshetre, Applicant No.2 Balasaheb Hiraji Kshetre and Applicant No.6- Mahesh Balasaheb Kshetre are already deleted from the array of applicants as per order of this Court dated 10.04.2018. Today, the learned counsel for the applicants seeks to withdraw the application of applicant No.3- Vishal Balasaheb Kshetre. The application is heard for applicant Nos. 4 and 5 only.

2. Rule. Rule made returnable forthwith. With the consent of the parties, the application is taken up for final hearing.

3. The applicants/Original Accused have filed this application seeking to quash and set aside the first information report C. R. No. 0597 of 2017 dated 08.11.2017 registered with Police Station Pathardi, Tq. Pathardi, Dist. Ahmednagar for the offences punishable under Section 498-A, 406, 323, 504, 506, 34 of Indian Penal Code.

4. On perusal of the first information report, it appears that complainant Priti Kshetre got married with respondent No. 6 - Mahesh Kshetre in the year 2016. It is alleged that in her marriage gold ornaments and household articles were given her. She was treated well for initial period of about 3 months. Thereafter, the applicants/accused have started illtreating the complainant by taking doubt on her character. Her husband used to beat her on the instigation of other accused persons. The accused persons asked the complainant to bring Rs. 5 lakhs from her parents for purchasing house at Pune and on that count they used to beat her and throw her out of house time and again. She conveyed the demand to her parents but due to poor financial condition of her parents, the demand could not be fulfilled. She was made to do heavy work and also made her to starve. Her parents tried to convince the applicants but in vain. It is alleged that on 25.04.2017 her in-laws have thrown her out of the house and asked the complainant not to come back unless she brings Rs.5 lakh. With these allegations, offence came to be registered against the applicants accused for the offences punishable under sections 498-A, 323, 504, 506 read with 34 of the Indian Penal Code.

5. Heard Mr. Sudhir K Chavan, learned counsel for the applicants, Mr. S.J. Salgare, learned APP for the State and Mr. N. B. Narwade, learned counsel for respondent No.2.

6. From the record it appears that applicant No.1 is mother-in-law, Applicant No 2 is father-in-law and applicant No.3 is brother-in-law of the complainant. Applicant No. 6 is husband of the complainant. Respondent Nos. 4-Vaishali Bhausahab Misal and Applicant No.5 Ujawala Balasaheb Ohal are married sisters of the husband of the complainant.

7. On perusal of the first information report, it appears that there is no material particular quoting any specific incident of visit or about ill-treatment or harassment against applicant Nos. 4 and 5 so as to attract ingredients of section 498-A of the Indian Penal Code. They are married sisters of the husband of the complainant and residing at their respective matrimonial houses. Applicant No. 4 is residing at Pune and Applicant No.5 is residing at Bhingar, Ahmednagar, her Adhar Card and election card are produced on record. Allegations against applicant Nos. 4 and 5 in the first information report are vague and general in nature. No specific act or overt-act is

attributed to them. Secondly, even if the allegations in the first information report are taken at its face value, there is no specific instance or material particular which would strengthen the allegation of the complainant that there was harassment or ill-treatment at the hands of applicant Nos. 4 and 5 as contemplated under the provisions of Section 498-A I.P.C. so as to even make out a prima facie case against them.

8. In view of the above, we find considerable force in the argument of Mr.Chavan learned counsel for the applicants for quashing the criminal proceedings to the extent of applicant Nos.4 and 5. Hence the following order :

ORDER

1. Application of applicant No. 4 Vaishali Misal and Applicant No. 5 - Ujawala Ohal is hereby allowed in terms of prayer clause (C).

2. Application of applicant No.6 is disposed of as withdrawn.

3. Rule is made partly absolute in the above terms

(K. L. WADANE, J.)

(T.V. NALAWADE, J.)

JPC