

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 2061 OF 2014

- 1] Suchita W/o Prashant Bairagi,
Age : 38 Years, Occ. Service,
R/o. Devacha Mala,
Pumping Station, Sangamner,
Tal. Sangamner, Dist. Ahmednagar
- 2] Yogita W/o Vishal Vaidya,
Age : 33 Years, Occ. Service,
R/o. 207, Munisurat Apartment,
Navsari, Tal. & Dist.
Navsari (Gujarat State) ..APPLICANTS

VERSUS

- 1] State of Maharashtra,
- 2] Priti W/o Prashant Bairagi,
Age : 28 Years, Occ. Household,
R/o. At present N-9, H-136/1,
HUDCO, Aurangabad ..RESPONDENTS

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Advocate for Applicants : Mr. S.S. Thombre
APP for Respondent-State: Mr. M.M. Nerlikar
Advocate for respondent no. 2 : Mr. R. R. Karpe

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CORAM :T.V. NALWADE AND
SMT.VIBHA KANKANWADI,JJ.
DATE : 08-10-2018

JUDGMENT(Per T.V. NALWADE, J] :-

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

2] The proceeding is filed under Section 482 of the Code of Criminal Procedure for relief of quashing of proceeding of Regular Criminal Case No. 621 of 2012 pending in the Court of learned Judicial Magistrate (F.C.), Aurangabad. The proceeding is filed for the offence punishable under Sections 498-A, 323, 504, 506 read with Section 34 of the Indian Penal Code.

3] Both the sides are heard.

4] The record shows that in the present proceeding the document of settlement was filed to inform that the dispute was settled and the first informant had return to the house of her husband for cohabitation on 04.04.2016. During the arguments, it was submitted that there was such settlement but after wards there was again dispute and so the first informant is living separate from the husband. She wanted some assurance, undertaking from her husband.

5] The applicants are married sisters of the husband. The marriage of the respondent had taken place on 22.05.2005 and it is case that she was driven out of the matrimonial house on 01.07.2010. The FIR was given on 17.01.2012.

6] The respondent wife has made allegations that after few days of the marriage, her husband and parents of the husband started complaining that proper gifts were not given in the marriage. She has made allegations demand of Rs, 2,00,000/- was made from her parents and on that count ill-treatment was given to her. She was starved even

when she was pregnant and allegations are made that husband was assaulting her. The allegations are made against the present applicant, the sister of the husband that they used to occasionally visit the house of her husband and they used to taunt to her and used to give instigation to her husband to give ill-treatment. She has suspicion that her husband has illicit relationship with a woman as she learnt that they were found together by many persons.

7] Present applicants are resident of different district and one is resident of other State Gujarat. Vague allegations are made that they used to visit the house of her husband to instigate him. In view of the nature of the allegations made against them and the circumstances that they were living far away from the matrimonial house this Court holds that it will be abuse of process of law if they are asked to face the trial for aforesaid offences. In the result following order :-

ORDER

- I] The application is allowed.
- II] Relief is granted to applicants in terms of prayer clause (B).
- III] Rule is made absolute in those terms.

[SMT.VIBHA KANKANWADI]
JUDGE

[T.V. NALAWADE]
JUDGE