

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

CRIMINAL APPLICATION NO. 943 OF 2018

1. Kiran s/o Bhimrao Waghmare,
Age 33 years, Occ. Private Service,
R/o. A.L. 1, Room No. 330, Ajinkya
Apartment Sector-16, Yeroli Navi
Mumbai-400 708.
2. Bhimrao s/o Kisan Waghmare,
Age 60 years, Occ. Retired.
3. Tarabai w/o Bhimrao Waghmare,
Age 55 years, Occ. Household.
4. Pawan s/o Bhimrao Waghmare,
Age 31 years, Occ. Private Service.
5. Supriya Pawan Waghmare, Age 27
years, Occ. Service (Teacher),
Applicant No. 2 to 5 are
R/o. Dattabardi Road, Azad Chowk,
Pawan Niwas, Hadgaon, Tq. Hadgaon,
Dist. Nanded.
6. Kishor s/o Bhimrao Waghmare,
Age 35 years, Occ. Software Engineer,
R/o. House No. 622 (B), 3rd Floor 301,
Sec. 13, Kharghar Gaon, Navi
Mumbai – 410 210.
7. Sow. Suchita w/o Kishor Waghmare,
Age 33 years, Occ. Household,
R/o. House No. 622 (B) 3rd Floor 301,
Sec. 13, Kharghar Gaon, Navi Mumbai.

... **Applicants**
(Ori. accused)

VERSUS

1. The State of Maharashtra,

Through Police Station,
Bhagyanagar Nanded Tq. &
Dist. Nanded.

2. Sow. Chhaya @ Sumedha Kiran
Waghmare, Age 26 years, Occ.
Household, r/o. Dattabardi Road,
Azad Chowk, Pawan Nivas, Hadgaon,
Tq. Hadgaon at present R/o. Shantinagar
Mulawa, U.P.P. Camp, Tq. Umarkhed,
Dist. Yeotmal.

... **Respondents**
(Respondent No. 2 is
original informant)

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Advocate for Applicants : Mr. G. G. Suryawanshi.
APP for respondent No. 1/State : Mrs. D.S. Jape.
Advocate for Respondent No. 2 : Mr. A.R. Magar, h/f Mr. G.P. Shinde.

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

DATE : 06th July, 2018.

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

1. Rule. Rule made returnable forthwith. With the consent of the parties, this application is taken up for final disposal.
2. This application is filed by the applicants under the provisions of section 482 of the Code of Criminal Procedure for relief of quashing of first information report No. 39/2018, dated 28.02.2018 registered with Hadgaon police station, District Nanded, for the offences punishable under section 498A, 506 read with section 34 of the Indian Penal Code.

3. Complainant Chaya Kiran Waghmare lodged complaint against the applicants alleging that she married with applicant No. 1 on 02.06.2013 at Mulawa, Dist. Nanded. Applicant No. 1 is husband of complainant, applicant No. 2 is father-in-law, applicant No. 3 is mother-in-law, applicants No. 4 and 6 are brother-in-laws and applicants No. 5 and 7 are sister-in-laws (wives of applicants No. 4 and 6) of the complainant. After marriage the applicants have treated well to the complainant for about 4 to 5 months and thereafter applicant No. 1 to 3 demanding Rs. 2 lakh and on that count started physical and mental torture to her. It is further alleged that her father gave Rs. 2,50,000/- for business to applicant No. 1. But after some days applicants and started harassing the complainant on the count that she did not conceive pregnancy and again demanded Rs. 3 lakh for business. The parents and other relatives of the complainant tried to gave understanding to the applicants but they did not pay any heed and applicant No. 1 threatened to kill the complainant. With these allegations, offence came to be registered against the applicants/accused for the offences punishable under section 498-A, 506 read with section 34 of the Indian Penal Code.

4. We have heard the arguments of Mr. Suryawanshi, learned counsel for the applicants, Mrs. Jape, learned APP for the respondent No.1/State and Mr. Magar, learned counsel for respondent No. 2.

5. On perusal of the contents of the first information report it appears that specific allegations of demand of money and harassment are

made against applicants/accused No. 1 to 5, who are residing jointly. However, it appears that, applicants No. 6, who is brother-in-law of complainant and applicant No. 7, who is wife of applicant No. 6 are not residing with applicants No. 1 to 5. On perusal of Adhar card of applicant No. 6 it appears he is residing at Khargar (Raigad). It appears that applicant No. 6 is a software Engineer. There are no specific allegations against them in the first information report. It is allegations against the applicants No. 6 and 7 that they are illtreating the complainant physically and mentally by demanding Rs. 3 lakh and instigated the applicant No. 1 for causing illtreatment to the complainant. But those allegations appear to be vague and general in nature, as the applicants No. 6 and 7 are residing at Khargar (Raigad). Therefore prima-facie it appears that applicants No. 6 and 7 have no direct concern with alleged illtreatment, demand of money and threat to complainant.

6. On perusal of the first information report it also appears that there is no material particular quoting any specific incident of visit or about illtreatment or harassment at the hands of applicants No. 6 and 7, so as to attract the ingredients of section 498-A of the Indian Penal Code or other offence as alleged by the complainant. Hence to prevent the abuse of process of law, we find that discretion needs to be exercised in respect of applicants No. 6 and 7. Hence, following order:

ORDER

1. Application of applicant No. 6 Kishor s/o Bhimrao Waghmare and applicant No. 7 Suchita w/o Kishor Waghmare is allowed.
2. Relief is granted to applicant No. 6 Kishor s/o Bhimrao Waghmare and applicant No. 7 Suchita w/o Kishor Waghmare in terms of prayer clause 'B'.
3. Application of other applicants No. 1 to 5 stands rejected.
7. Criminal Application is disposed of accordingly.
8. Rule is made partly absolute in the above terms.

(K. L. WADANE, J.)

(T.V.NALAWADE, J.)

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