

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

Criminal Application No.1531 of 2010

- 1) Ashabai Sandulal Mhaske,
Age 50 years,
Occupation: Household,
R/o Satara Parisar,
Aurangabad.
- 2) Ganesh s/o Sandulal Mhaske,
Age 28 years,
Occupation: Junior Advocate,
R/o As above. **.. Applicants.**

Versus

- 1) The State of Maharashtra.
- 2) Nita w/o Ganesh Mhaske,
Age 29 years,
Occupation: Assistant Teacher
R/o Baudh Nagar,
Jawahar Colony, Aurangabad. **.. Respondent.**

Mrs. A.N. Ansari, Advocate, for applicants.

Shri. R.V. Dasalkar, Additional Public Prosecutor, for
respondent No.1.

Shri. S.V. Mundhe, Advocate, appointed for respondent
No.2.

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

Date: 1 AUGUST 2018

JUDGMENT (Per T.V. Nalawade, J.):

1) The proceeding is filed under section 482 of the Code of Criminal Procedure for the relief of quashing of F.I.R.No.I-68/2010 registered with Osmanpura Police Station Aurangabad for offences punishable under sections 498-A, 504, 506, 34 etc. of Indian Penal Code. Applicant No.2 is the husband of the first informant and applicant No.1 is the mother of the husband of the first informant. Both the sides are heard.

2) In the F.I.R. contentions are made that the marriage of the first informant with applicant No.2 took place on 22-5-2009 and right from beginning both the applicants started giving ill-treatment to the first informant. There was ill-treatment as gold ornaments like gold chain were not given to the husband in the marriage. At the time of *Jagaran* function amount of Rs.7,000/- was demanded and even after giving of the said amount by the father of the first informant, the applicants were not satisfied. It is contended that on the same day i.e. on the day of the *Jagaran*, the applicant No.2 asked the first

informant to bring Rs. 2 lakh from her parents as he wanted to have separate office for his profession. He is an Advocate. It is contended that the parents of the first informant could not meet this demand. It is contended that as the demand was not met with, severe beating was given to her. Ultimately she was driven out of matrimonial house on 15-6-2009. She first approached the Women's Cell to try to settle the dispute but the present applicants did not pay heed to the request and so she gave report to police on 18-2-2010.

3) The submissions made by the learned counsel for the applicants show that husband had filed divorce proceeding under section 12 of the Hindu Marriage Act and he had made allegation against the wife that she had illicit relation with a person who was also made party in the said proceeding. Said proceeding was withdrawn by the husband. This is an additional circumstance indicating that there was suspicion to the applicants about the character of the first informant. Due to these circumstances and specific allegation made in the F.I.R. against both the applicants this Court holds that no relief

can be granted to the applicants. In the result, the application is dismissed. Rule is discharged. Interim relief is vacated. Fees of the learned counsel appointed is quantified as Rs.3000/-. The fees is to be paid by the High Court Legal Services Sub Committee Aurangabad.

Sd/-
(K.L. WADANE, J.)

Sd/-
(T.V. NALAWADE, J.)

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