

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

Criminal Application No.990 of 2018

- 1) Shivaji s/o Abarao Sanap,
Age 64 years,
Occupation: Pensioner
R/o At Post Dusarbid,
Ward No.2, Taluka Sindhkhedraja,
District Buldhana.
 - 2) Suman w/o Shivajirao Sanap,
Age 54 years,
Occupation: Household
R/o As above.
 - 3) Gangadhar s/o Dagadu Dhakane,
Age 74 years,
Occupation : Agriculture
R/o At post Devkhad,
Taluka Sindhkhedraja,
District Buldhana.
- .. Applicants.**

Versus

- 1) The State of Maharashtra,
Through Police Inspector,
Jintur Police Station,
Taluka Jintur,
District Parbhani.
 - 2) Arjun s/o Ganpatrao Kedar,
Age 62 years,
Occupation: Pensioner,
R/o Sirpura, Taluka Kaij,
District Beed.
- .. Respondents.**

Shri. Suvidh S. Kulkarni, Advocate, for applicants.

Shri. S.B. Pulkundwar, Additional Public Prosecutor, for respondent No.1.

Shri. S.S. Thombre, Advocate, for respondent No.2.

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

Date: 20 JUNE 2018

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

1) Rule, rule made returnable forthwith. Heard both the sides by consent for final disposal.

2) Present proceeding is filed under section 482 of the Code of Criminal Procedure for the relief of quashing of F.I.R. No.54/2018 registered in Jintur Police Station, District Parbhani for offences punishable under sections 498A, 302, 34 etc. of the Indian Penal Code. Interim relief was granted by this Court on 23-4-2018 and the investigating agency was directed not to file charge sheet against the applicants till the returnable date.

3) During arguments when this Court expressed that no relief can be granted in favour of applicant Nos.1

and 2, Shivaji and Suman, learned counsel for the applicants, on instructions, submitted that he wants to withdraw the application of these two applicants. Argument was advanced for the relief in favour of applicant No.3 – Gangadhar Dhakane.

4) F.I.R. is given by Arjun Ganpatrao Kedar, father of deceased Mira. Deceased Mira was given in marriage to Ganesh, son of applicant Nos.1 and 2 and they are residents of Jintur. Both Ganesh and the deceased were dental surgeons. The marriage took place in May 2010. No issue was born out of this marriage.

5) Allegations are made by the father of the deceased that after two years of the marriage the husband, his parents and Gangadhar Dhakane, who happens to be the husband of the paternal aunt of Ganesh started harassing Mira. Allegations are made that the husband started demanding money by saying that he wanted to construct a separate hospital and for that he wanted Rs. Five lakh from the parents of Mira. The father of Mira gave amount of Rs. One lakh on first occasion,

Rs.1.5 lakh on the second occasion and Rs.50,000 on the third occasion by transferring the amounts in the account of Mira. Even then the ill-treatment was continued.

6) On 3-3-2018 information was given to the father of Mira that Mira was sick. On 4-3-2018 the father of Mira, first informant, went to Jintur to see Mira. On that day, Ganesh again demanded Rs. Five lakh from the first informant. The first informant expressed that he was retired man and there was no money with him for meeting this demand. Allegations are made that on that occasion Ganesh, his parents and even Dhakane said that the demand must be met with otherwise something may happen to Mira. On 4-3-2018 Mira was admitted in a hospital from Jalna as she was sick. When all of them were present in the hospital, the first informant received a message that his elder brother Ramrao had suffered heart attack and he was dead. After hearing this, the first informant immediately left for his village.

7) On 5-3-2018 when the first informant was present in village Sirpur, the father of the husband gave

message to him at 4.30 p.m. that Mira had committed suicide by hanging herself in their hospital from Jintur. The first informant rushed to Jintur where the dead body was present. After seeing the dead body, the first informant suspected that it was not suicide but it was murder and so he gave report to police on 6-3-2018 and the crime came to be registered for the offences punishable under sections 498-A, 302, 34 of the Indian Penal Code.

8) Papers of investigation show that there are statements of persons who know the family of the applicants and the main allegations are against Dr. Ganesh. There was a talk that Ganesh had extra marital affairs with few women and he used to quarrel as the deceased could not conceive. The material however does not show that applicant No.3 was present in Jintur on the day of the incident. Dead body was found in hanging position in the hospital of Ganesh. Applicant No.3 Gangadhar Dhakane is resident of Devkhed, Tahsil Sindhkhedraja, District Buldhana. Allegations as against him are very vague. His relationship is also not that close.

9) If the crime is registered for offence under section 302 IPC, in such case it is always desirable to file charge sheet for offences punishable under sections 302, 306, 498-A of IPC. In view of the aforesaid material it cannot be said that there is no material as against the husband and his parents. However, it can be safely said that the material available and the allegations made in the FIR are not that convincing and it is not sufficient to make out any of the aforesaid offences as against applicant No.3. This Court holds that relief needs to be granted in favour of applicant No.3 only. So, following order :

10) Application of applicant No.3 is allowed in terms of prayer clause (B). The application of applicant Nos.1 and 2 is disposed of as withdrawn. Rule made absolute in the above terms.

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

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

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