

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

Criminal Application No. 01756 of 2017

District : Aurangabad

1. Puneet Sharma
s/o. Yagyadutta Sharma,
Age : 28 years,
Occupation : Service,
Resident of Ward No.10,
Ahirgaon, Gopalpur,
Shahdol, Madhya Pradesh.
2. Yagyadutta Sharma
s/o. Rammilan Sharma,
Age : 54 years,
Occupation : Service,
Resident of as above.
3. Shanti Sharma
w/o. Yagyadutta Sharma,
Age : 54 years,
Occupation : Service,
Resident of as above.
4. Ganesh Prasad Shukla
s/o. Ganga Prasad Shukla,
Age : 33 years,
Occupation : Service,
Resident of B-402,
Harsh Ashiyana Green Park
Colony, Bilaspur (M-Corp),
Bilaspur Chhattisgarh,
Pin Code - 495 001.
5. Priti Shukla
w/o. Ganesh Shukla,
Age : 32 years,
Occupation : Student,
Resident of as above.

.. Applicants
(Original
accused)

versus

1. The State of Maharashtra,
through Police Station Incharge,
Jawaharnagar Police Station,
Aurangabad.

2. Meenu Puneet Sharma
d/o. Umesh Kumar Tiwari,
Aged about 28 years,
R/o. Press Colony,
Behind Law College,
Ward No.7,
Shahdol (M.P.) - 484 001.

.. Respondents.

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Mr. Amit A. Yadkikar, Advocate, for the applicants.

*Mr. S.J. Salgare, Additional Public Prosecutor,
for respondent no.01.*

*Mr. G.J. Kore, Advocate (appointed), for
respondent no.02.*

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**CORAM : T.V. NALWADE &
SMT. VIBHA KANKANWADI, JJ.**

DATE : 10th October 2018

JUDGMENT [Per Smt. Vibha Kankanwadi, J.] :

1. Rule. Rule made returnable forthwith. By
consent, heard finally.

2. Present application has been filed by original
accused persons invoking the inherent powers of this
Court under Section 482 of the Code of Criminal
Procedure in order to quash the First Information

Report vide Crime No. 403 of 2016, registered with Jawaharnagar Police Station, Aurangabad, for the offences punishable under Section 420, 498-A, 504, 506 read with Section 34 of the Indian Penal Code and Sec. 66 (A) of The Information Technology Act, 2000.

3. Respondent No.2 got married to applicant No.1 on 02-06-2013 at Press Colony, Ward No. 7, Dist. Shahdol (Madhya Pradesh). Applicant No.1 is the husband of respondent No.2, applicants No.2 and 3 are the parents of applicant No.1, and applicants No.5 is sister of applicant No.1 and applicant No. 4 is the husband of applicant No. 5.

4. Respondent No.2 – informant has contended that, after marriage she went to Gopalpur, the matrimonial house for 15 days and then went to her parental house. She thereafter resided with applicant No. 2 and 3 for about 1½ months. They were asking her to bring the remaining amount of dowry. They were harassing her mentally and physically. She had narrated the same to her parents. Then she was sent to Aurangabad to stay with her husband. Her husband was serving with Baxter

India Pvt. Ltd. at Aurangabad. It was not revealed to her, prior to marriage that applicant No. 1 was taking medicine for depression since 2011. Applicant No. 1 had avoided to consummate the marriage on the ground that his health is not proper. She came to know about the treatment of her husband, when she noticed prescriptions of the medicines. Thereafter, her husband started ill-treating her on the count of remaining amount of dowry. He was raising suspicion her character. He then started demanding amount of Rs.10 lakhs for purchasing Car, Gold and articles. Her father had given I-10 Car, Gold worth Rs.3 lakhs and articles worth Rs.3 lakhs at the time of marriage. When she conveyed the demands of her husband, her parents told that situation will improve. Her husband was giving threats that he has her obscene photos and videos. If she fails to bring the amount, then he would make them viral on internet. Her parents in-laws had come to Aurangabad in 2016 and at that time also all of them had harassed her for the remaining amount of dowry. They told that she has two options, either to commit suicide or fulfill their demand. Applicant

No. 1 told her that after her suicide, he will perform second marriage. Then he had prepared his profile on a wedding web-site and put his status as "Divorced". He gave message to her on 27-10-2016 that if she does not leave his house then she would be killed. He was not giving her money for the household expenditure. Therefore, she has lodged the report.

5. The applicants have contended that, applicants No. 2 and 3 are residing at Shahadol in Madhya Pradesh. Only applicant No. 1 was staying at Aurangabad. Applicants No. 4 and 5 are residing separately at Bilaspur in Chattisgarh. Therefore, there is no question of harassing informant. Applicants No. 2 and 3 are the Government Servants. They have not committed any crime. Allegations in the FIR are vague. It is a false and concocted story. Therefore, they have prayed for quashment of the proceeding.

6. Heard learned Advocate Mr. A. A. Yadkikar appearing on behalf of applicants, learned Addl. Public Prosecutor Mr. S. J. Salgare and learned Advocate Mr. G. J. Kore, appointed on behalf of

respondent No.2. When it was pointed out to the learned advocate for the applicants that, this Court is not inclined to grant any relief to applicants No.1 to 3, he prayed for withdrawal of the application as against them.

7. The application was considered only for the allegations against the married sister-in-law applicant No.5 and her husband applicant No.4. No specific role has been attributed against them in respect of offence under Section 498-A of the Indian Penal Code. If at all there would have been a demand it would have been mainly by the husband and the father-in-law and mother-in-law. The perusal of the entire FIR would show that all of them had made the demand in chorus which is not possible. Nothing was demanded by applicants No. 4 and 5 for themselves as per the allegations in the FIR itself. Moreover applicants No. 4 and 5 have produced on record certificate stating that applicant No. 4 is serving in Bilaspur in Chattisgarh State. Their casual visits to the house of applicants No. 2 and 3 or even at Aurangabad can not be taken *per se* for committing any

offence. So, it appears that, as a routine all the relatives of the husband have been roped. It would be futile exercise to ask the married sister-in-law and her husband to face trial. Under such circumstance relief is required to be granted to the applicants No. 4 and 5 by invoking the inherent powers of this Court under Section 482 of the Code of Criminal Procedure. Hence, following order.

ORDER

- 1) Application of applicants No. 1 to 3 is hereby disposed of as withdrawn.
- 2) The application of the applicants No. 4 and 5 is allowed.
- 3) Relief is granted in terms of prayer clause "C" to the applicants No. 4 and 5 only.
- 4) Fees of the appointed Advocate is quantified at Rs. 3,000/- (Rupees Three Thousand Only), to be paid by High Court Legal Services Authority, Sub-Committee, Aurangabad.
- 5) Rule made absolute in the above terms.

(Smt. Vibha Kankanwadi)
JUDGE

(T.V. Nalawade)
JUDGE

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