

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 1254 OF 2018

- 1) Jayashri w/o Rajendra Pawar,
Age 36 years, Occupation Household,
R/o Plot No.34, Hulesing Nagar,
Karwande Naka, Shirpur Tq. Shirpur
Dist. Dhule.
- 2) Rajendra Chagan Pawar,
Age 44 years, Occupation Teacher,
R/o Plot No.34, Hulesing Nagar,
Karwande Naka, Shirpur Tq. Shirpur
Dist. Dhule.
- 3) Dipali w/o Vinod Salunke,
Age 34 years, Occupation Household,
R/o Shivaji Nagar, Opp. Triveni Sangam
Floor, Chaugaon Road, Satana
Tq. Malegaon Dist. Nashik.
- 4) Vinod Shivaji Salunke,
Age 38 years, Occupation Service,
R/o Shivaji Nagar, Opp. Triveni Sangam
Floor, Chaugaon Road, Satana Tq.
Malegaon Dist. Nashik.
- 5) Akkabai @ Sumanbai Aadhar Dabhade,
Age 63 years, Occupation Household,
R/o Balsane Tq. Sakri Dist. Dhule.
- 6) Aadhar Dwarka Dabhade,
Age 70 years, Occupation Nil,
R/o Balsane Tq. Sakri Dist. Dhule.
- 7) Pandurang Shamrao Sonawane,
Age 73 years, Occupation Nil,
R/o Mehargaon Tq. Dist. Dhule.

- 8) Sushmabai Pandurang Sonawane,
Age 68 years, Occupation Household,
R/o Mehargaon Tq. Dist. Dhule.
- 9) Ramkishor Jagannat Sonawane,
Age 38 years, Occupation Business,
R/o Plot No.32, Karwande Road, Balaji
Nagar, Shirpur Tq. Shirpur Dist.Dhule. ...Applicants

Versus

- 1) The State of Maharashtra
Through the Police Inspector,
East Deopur Police Station,
Dhule, Dist. Dhule.
- 2) Roshani @ Dipika Vinayak Sonawane,
Age 24 years, Occupation Household,
R/o War (Kundane) Tq. Dist. Dhule. ...Respondents

Mr. C. V. Bhadane, Advocate for applicants.
Mr. M. M. Nerlikar, Addl. Public Prosecutor, for respondent
No.1 / State.
Mr. U. S. Patil, Advocate for respondent No.2.

**WITH
CRIMINAL APPLICATION NO. 1255 OF 2018**

- 1) Vinayak s/o Jagannath Sonawane,
Age 32 years, Occupation Service,
- 2) Jagannath Shamrao Sonawane,
Age 68 years, Occupation Nil,
- 3) Sushilabai Jagannath Sonawane,
Age 58 years, Occupation Household,
- 4) Hemraj Jagannath Sonawane,
Age 24 years, Occupation Education,

5) Naina Jagannath Sonawane,
Age 30 years, Occupation Education,

6) Chitra Jagannath Sonawane,
Age 26 years, Occupation Education,

7) Arpana Jagannath Sonawane,
Age 22 years, Occupation Education,

All R/o : Plot No. 70-B, Gurudatta Colony,
Near Ladies Hostel, Shirpur,
Tq. Shirpur Dist. Dhule.

...Applicants

Versus

1) The State of Maharashtra
Through the Police Inspector,
East Deopur Police Station,
Dhule Dist. Dhule.

2) Roshani @ Dipika Vinayak Sonawane,
Age 24 years, Occupation Household,
R/o War (Kundane) Tq. Dist. Dhule.

...Respondents

Mr. C. V. Bhadane, Advocate for applicants.

Mr. M. M. Nerlikar, Addl. Public Prosecutor, for respondent
No.1 / State.

Mr. U. S. Patil, Advocate for respondent No.2.

**CORAM : T. V. NALAWADE &
SMT.VIBHA KANKANWADI. JJ.**

DATE : 03-10-2018.

ORAL JUDGMENT : (Per SMT. VIBHA KANKANWADI, J.)

1. At the outset, learned Advocate for the applicants seeks permission to withdraw the application to the extent of applicants No.1 to 3 in Criminal Application No. 1255 of 2018.

2. Permission granted. The application stands disposed of as withdrawn to the extent of applicants No.1 to 3 in Criminal Application No.1255 of 2018. .

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

4. 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. 49 of 2018, registered with East Deopur Police Station, Dhule, Dist. Dhule for the offences punishable under Section 498-A, 354, 323, 504, 506 read with 34 of the Indian Penal Code.

5. Respondent No.2 got married to applicant No.1 in Criminal Application No. 1255 of 2018 on 25-03-2016. Applicant No.1 in Criminal Application No. 1255 of 2018 is the husband of respondent No.2, applicants No.2 and 3 are the parents of applicant No.1, and applicants No.4 is brother of applicant No.1 and applicant No.5, 6 and 7 are the sisters of applicant No.1. Applicant No. 1, and 3 in Criminal Application No. 1254 of 2018 are also other sisters of husband. Applicant No.2 is the husband of applicant No.1 and applicant No. 4 is the husband of applicant No. 3. Applicant No. 5 is the sister of mother-in-law of respondent No. 2. Applicant No. 6 is

her husband. Applicant No. 7 is brother of father-in-law of respondent No. 2 and applicant No. 8 is his wife. Applicant No. 9 is the brother-in-law of respondent No. 2.

6. Respondent No.2 – informant has contended that, she was treated properly by the accused persons for about 6 months. The sisters-in-law, uncle and aunts of husband used to come to the matrimonial home of respondent No. 2. After the six months, accused persons started saying that she is unable to cook the food properly. Her parents have not given proper teaching to her. Her husband will perform second marriage and therefore, she should give consent for divorce. Accused persons were harassing her mentally and physically. Thereafter, they started demanding amount of Rs.5 lakhs for purchasing flat. She told that her mother is poor and therefore, can not extend huge amount. Then she was assaulted and abused. Her ornaments were snatched and she was driven out of the house. It was told to her that unless she brings the said amount, she will not be taken for cohabitation. Her mother had tried to settle the dispute with the help of elderly persons, but the accused were adamant and therefore, she approached Women Cell. There was no settlement. Therefore, she has lodged the report.

7. The applicants have contended that, there is delay in lodging FIR. Informant had gone to her parents house in Diwali and did not

return back. Informant had no intention to cohabit with husband. She stayed with husband and in-laws only for a period of 4 months. She was always insisting to the husband that they should stay separately from others. Husband had refused the said request. She has filed complaint under Domestic Violence Act, in which she has come with a different story. Details of the events have not been given and they have been kept as vague as possible. Therefore, they have prayed for quashment of the proceeding.

8. Heard learned Advocate Mr. C. V. Bhadane appearing on behalf of applicants in both the applications, learned Addl. Public Prosecutor Mr. M. M. Nerlikar and learned Advocate Mr. U. S. Patil, appearing 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 in Criminal Application No. 1255 of 2018, he prayed for withdrawal of the application as against them.

9. The application was considered only for the allegations against the married sisters-in-law, their husband, aunt and uncle. Perusal of FIR would show that 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 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 when elders are there. Nothing was demanded by applicants in Criminal Application No. 1254 of 2018 and applicant No. 4 to 7 in Criminal Application No. 1255 of 2018 for themselves as per the allegations in the FIR itself. Moreover applicants in Criminal Application No. 1254 of 2018 and applicant No. 4 to 7 in Criminal Application No. 1255 of 2018 have produced on record documents showing their separate residence. Sisters of the husband were married much prior to the marriage between respondent No. 2 and applicant No. 1. Those sisters-in-law are residing with their husbands. Mere visits of these persons to the house of father and mother of husband, will not infer common intention to harass her. In all 16 persons have been made as an accused. So, it appears that, as a routine all the relatives of the husband have been roped. Under such circumstance relief is required to be granted to the applicants in Criminal Application No. 1254 of 2018 and applicant No. 4 to 7 in Criminal Application No. 1255 of 2018 by invoking the inherent powers of this Court under Section 482 of the Code of Criminal Procedure. Hence, following order.

ORDER

- 1) Criminal Application No. 1254 of 2018 is hereby allowed.
- 2) Criminal Application No. 1255 of 2018 is allowed to

the extent of applicants in Criminal Application No. 1254 of 2018 and applicants No. 4 to 7 in Criminal Application No. 1255 of 2018.

- 3) Relief is granted in terms of prayer clause "BB" to the applicants in Criminal Application No. 1254 of 2018 and applicants No. 4 to 7 in Criminal Application No. 1255 of 2018.
- 4) Application to the extent of applicants No.1 to 3 in Criminal Application No. 1255 of 2018 is hereby disposed of as withdrawn.
- 5) Rule made absolute in the above terms.

(SMT. VIBHA KANKANWADI)
JUDGE

(T. V. NALAWADE)
JUDGE

vjg/-.