

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

CRIMINAL APPLICATION NO. 2774 OF 2014

- 1) Ashok Chavadas Ahire, Age 57 years,
Occupation Service.
- 2) Sau. Ranjana Ashok Ahire, Age 48
years, Occup. Household.
- 3) Ku. Aruna Ashok Ahire, Age 25
years, Occ. Education.
- 4) Ku. Priyanka Ashok Ahire, Age 23
years, Occupation Education.
- 5) Sagar Ashok Ahire, Age 20 years,
Occupation Education.

All r/o. Om Namo Shivay Apartment,
Raunagar, Dheku Road, Amalner,
Tq. Amalner, Dist. Jalgaon.

... **Applicants**
(Ori. accused No. 7 to 11)

VERSUS

1. The State of Maharashtra.
Through Azadnagar Police Station,
Tq. & Dis. Jalgaon.
2. Sau. Mamta Sushant Ahire,
Age 25 years, Occ. Household,
R/o. Plot No. 22/2, Venkatesh Colony,
Near Sane Guruji Colony, Jagalon,
Dist. Jalgaon.

... **Respondents.**
(respondent No. 2 is original
complainant)

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Advocate for Applicants : Mr. B.S. Deshmukh.
APP for respondent No. 1/State : Mr. M.M. Nerlikar.
Advocate for respondent No. 2 : Mr. G.A. Nagori.

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

DATE : 23th 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 hearing.

2. This is an application filed the applicants/original accused 7 to 11 under the provisions of section 482 of the Code of Criminal Procedure for relief of quashing the first information report bearing Crime No. 35/2014 dated 19.03.2014 registered with Jalgaon Taluka Police Station, District Jalgaon, for the offences punishable under section 498-A, 418, 406, 504, 506 read with section 34 of the Indian Penal Code.

3. The brief facts of the case may be stated as follows:

(i) The applicant No. 1 (original accused No. 7) is the uncle of original accused No. 1 Sushant (husband of complainant), applicant No. 2 (original accused No.8) is the wife of applicant No. 1, applicants No.

3 to 5 (original accused No. 9, 10 and 11) are daughters and son of applicants No. 1 and 2.

(ii) Respondent No. 2/original complainant lodged complaint on 19.03.2014 by alleging that, her marriage was performed with accused No. 1 Sushant. When she was cohabiting with accused No. 1, accused No. 1 to 6 started quarreling with complainant by saying that she is did not know any work, her skin is black. Accused No. 1 and 2 have taken the 'Stridhan' of complainant and drove her out of the house. It is further alleged by the complainant that accused No. 1 is impotent. The applicants and other accused persons by knowing the fact that the accused No. 1 is impotent they settled the marriage. Accused persons demanded Rs. 2 lakh for medical treatment of accused No. 1. The accused persons also suspected on her character and on that count they were harassing the complainant. On 15.03.2014 and 16.03.2014 the father of complainant arranged one meeting with accused persons and other relatives for settling the dispute. But in that meeting the applicants and other accused persons abused them and demanded Rs. 2 lakh for medical test. With these allegations, offence came to be registered against the applicants and other accused for the offences punishable

under section 498-A, 406, 418, 504, 506 read with section 34 of the Indian Penal Code.

4. We have heard the arguments of Mr. B.S. Deshmukh, learned counsel for the applicants, Mr. Nerlikar, learned APP for the respondent No.1/State and Mr. Nagori, learned counsel for respondent No. 2.

5. On perusal of the contents of the first information report it appears that specific allegations of illtreatment, demand of money and harassment are made against husband/original accused No. 1 and other accused. The allegations against the applicants are vague and general in nature. On perusal of record it appears that the applicant No. 1 is uncle of accused No. 1 Sushasht. The applicant No. 1 along with his family members i.e. applicants No. 2 to 5 residing at Amalner, District Jalgaon. It appears that, he is separated from the family of accused No. 1 long back. Prima-facie it appears that, the applicants have no concern with the family matters of the complainant and accused No. 1. So the allegations against the applicants that they suspected on the character of complainant and on that count illtreated the complainant and demanded money for medical treatment of accused No. 1 appears to be doubtful.

6. On perusal of the first information report as well as statement of witnesses 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, so as to attract the ingredients of section 498-A of the Indian Penal Code or other offences as alleged by the complainant. The applicants are not residing with the original accused No. 1 and his family. It appears that, the applicants are distant relatives of the complainant. The allegations made in the complaint against the applicants are vague and general in nature. Hence to prevent the abuse of process of law, we find that discretion needs to be exercised in respect of applicants No. 1 to 5. Hence, following order:

ORDER

1. Application is allowed.
2. Relief is granted in terms of prayer clause 'B' only to the extent of present applicants.
7. Criminal Application is disposed of accordingly.
8. Rule is made absolute in the above terms.

(K. L. WADANE, J.)

(T.V.NALAWADE,J.)

mkd/-