

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

CRIMINAL APPLICATION NO. 1363 OF 2018

1. Vimalbai Vanji Patil,
Age : 79 years, Occupation: Housewife,
R/o: Godavun Chauk, Kauthal,
Tq. & District: Dhule.
2. Manisha Yogesh Patil,
Age : 29 years, Occupation: Housewife,
R/o: Godavun Chauk, Kauthal,
Tq. & District: Dhule.
3. Chandrakant Pundlik Patil,
Age : 56 years, Occupation: Agriculture,
R/o: Godavun Chauk, Kauthal,
Tq. & District: Dhule.
4. Ranjana @ Rajubai Chandrakant Patil,
Age : 46 years, Occupation: Housewife,
R/o: Godavun Chauk, Kauthal,
Tq. & District: Dhule.
5. Bharat Tryambakrao Patil (Bhamare),
Age : 52 years, Occupation: Agriculture,
R/o: Godavun Chauk, Kauthal,
Tq. & District: Dhule.
6. Sunanda Bharat Patil,
Age : 50 years, Occupation: Housewife,
R/o: Godavun Chauk, Kauthal,
Tq. & District: Dhule.
7. Tryambak Motiram Patil,
Age : 89 years, Occupation: Nil,
R/o: Godavun Chauk, Kauthal,
Tq. & District: Dhule.

8. Sunanda Bhaiyyasaheb Salunkhe,
Age : 57 years, Occupation: Housewife,
R/o: Pachu Building, Pandit Naka,
Paranjape Nagar, Shahapur,
Tq. & District: Thane.
9. Chhaya Bhalchandra Sonwane,
Age : 53 years, Occupation: Housewife,
R/o: Velode, Tq. Chopda, District: Jalgaon.
10. Surekha Chandrakant Patil,
Age : 44 years, Occupation: Housewife,
R/o: Untawad, Tq. & District: Jalgaon.
11. Kalpana Ravindra Chavan,
Age : 42 years, Occupation: Housewife,
R/o: Sainagar, Bajaj Nagar Waluj,
Wadgaon Kolhati,
Tq. & District: Aurangabad.

... APPLICANTS
(Orig. Accused Nos.2 to 12)

VERSUS

1. The State of Maharashtra.
2. Sushama Vijaykumar Patil,
Age: 41 Years, Occupation: Teacher,
R/o. Kauthal, Tq. & District: Dhule.
At present R/o: Plot No.7, Navnath Nagar,
Deopur, Dhule. Mobile No.8830688825.

... RESPONDENTS
(Res No.2 Orig. First Informant)

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Mr. Joydeep Chatterji, Advocate for Applicants.

Mrs. D. S. Jape, APP for Respondent No.1 / State.

Mr. A. B. Jagtap, Advocate for Respondent No.2.

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

DATE : 29th August, 2018.

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

. Rule. Rule made returnable forthwith. By consent, heard both the sides for final disposal.

2 The proceeding is filed under Section 482 of the Code of Criminal Procedure for relief of quashing of FIR No.54 of 2018, registered with Deopur Police Station, District Dhule, for the offences punishable under Sections 498-A, 406, 323, 504, 506 read with 34 of the Indian Penal Code.

3 Both the sides are heard.

4 The crime is registered on the basis of report given by Respondent No.2, Smt. Sushama, who is wife of the son of Applicant No.1. Applicant No.2 is the wife of real brother of the husband of Respondent No.2. Respondent No.2 has filed reply affidavit to oppose the proceeding.

5 The marriage of Respondent No.2 took place on 6th February, 1998. The first informant is a primary teacher and her husband is also a teacher. It is the contention of the first informant that after the marriage, she started cohabiting with the husband at village Kauthal, Tahsil and District Dhule. Allegations are made against Respondent Nos.8 to 11, who are real sisters of the husband of the first informant that on occasions they used to visit the place of their parents, place of the husband of the first informant and they used to tease her by saying that she had not brought ornaments from her parents and sufficient utensils were also not given in marriage by her parents. She has made allegations against them that they were mentally and physically harassing her and on occasions they used to assault her. It is her contentions that she used to disclose about the incidents to her husband, but her husband used to keep mum. Allegations are made against Applicant No.11, Kalpana that when she had come to the house of her parents for delivery purpose, on that occasion she had teased her.

6 Applicant No.3 is the cousin of the husband of the first informant and Applicant No.4 is the wife of Applicant No.3. Similarly,

Applicant No.5 is the cousin of the husband and Applicant No.6 is the wife of Applicant No.5. Applicant No.7 is the uncle of the husband of the first informant. Allegations are made against them that these Applicants used to visit the matrimonial place and they used to tease and harass her. Specific allegations are made against the husband that he took her salary amount and ultimately she was driven out of the matrimonial house. When she gave report, she was living with her parents though she was employed in village Kauthal. Report was given on 13th April, 2018.

7 Record is produced to show that the married sisters of the husband were living separate from the husband of the first informant from prior to the her date of marriage. Allegations made against them are vague in nature. Though cousins of the husband are residents of same village, they are residing at different places and they are not living in the house where the first informant cohabited with her husband. Allegations against them are also vague in nature. It can be said that only Applicant No.1, mother of the husband of first informant and Applicant No.2, wife of the real brother of the husband, were living in the house where the first informant cohabited with the

husband. In view of these circumstances and in view of the nature of allegations, this Court holds that relief needs to be granted to Applicant Nos.3 to 11 though relief cannot be granted to Applicant Nos.1 and 2. It will be abuse of process of law and unnecessary harassment if the relief is not granted to Applicant Nos.3 to 11. In the result, the following order is passed:

ORDER

- I. The application of Applicant Nos.3 to 11 is allowed.
- II. The application of Applicant Nos.1 and 2 is rejected.
- III. Relief is granted to Applicant Nos.3 to 11 in terms of prayer clause (B), which include the amended prayer of relief of quashing of the charge-sheet filed against them.
- IV. Rule is made absolute in aforesaid terms.

[SMT. VIBHA KANKANWADI, J.]

[T. V. NALAWADE, J.]