

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 2462 OF 2016

- 1) Keshav s/o Ambadas Padmawar,
Age 60 years, Occupation Business,
- 2) Shakuntala w/o Keshav Padmawar,
Age 55 years, Occupation Household,
- 3) Arjun s/o Keshav Padmawar,
Age 44 years, Occupation Business,
- 4) Sanya w/o Arjun Padmawar,
Age 40 years, Occupation Household,
- 5) Raju s/o Kesahv Padmawar,
Age 41 years, Occupation Business,
- 6) Rekha w/o Raju Padmawar,
Age Major, Occupation Household,
- 7) Sanjay s/o Keshav Padmawar,
Age 39 years, Occupation Business,
- 8) Swarupa w/o Sanjay Padmawar,
Age 31 years, Occupation Household,
All above R/o Islapur Tq. Kinwat,
Dist. Nanded.
- 9) Pratibha w/o Sunil Pensalwar,
Age 25 years, Occupation Household,
R/o Pusad Tq. Pusad Dist. Yeotmal.
- 10) Dattatraya s/o Sudam Palikuntwar,
Age 60 years, Occupation Business,
R/o Nasik Tq. Dist. Nasik.
- 11) Pralhad s/o Bhaskar Kottawar,
Age 55 years, Occupation Business,

R/o Nanded Tq. Dist. Nanded.

- 12) Sunil s/o Gopalkrishna Pensalwar,
Age 29 years, Occupation Business,
R/o Umarkhed Dist. Nanded. ...Applicants

Versus

- 1) The State of Maharashtra,
Through the Police Sub Inspector,
Bhagya Nagar Police Station,
Tq. Dist. Nanded.
- 2) Priya w/o Pradip Padmawar,
Age 26 years, Occupation Household,
R/o Shrinagar Nanded,
Tq. Dist. Nanded. ...Respondents

Mr. A. G. Vasmatkar, Advocate for applicants.

Ms. P. V. Diggikar, Addl. Public Prosecutor, for respondent No.1
/ State.

CORAM : T. V. NALAWADE &

SMT.VIBHA KANKANWADI. JJ.

DATE : 12-10-2018.

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 and 2.

2. Permission granted. The application stands disposed of as withdrawn to the extent of applicants No.1 and 2.

3. Learned Advocate for the applicants also seeks permission to amend the application in respect of addition in the prayer clause about quashment of charge-sheet itself as charge-sheet is filed in respect of the FIR in question.

4. Permission is granted. Amendment to be carried out immediately.

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

6. 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. 19 of 2016, registered with Bhagya Nagar Police Station, Nanded, for the offences punishable under Section 498-A, 504 read with 34 of the Indian Penal Code.

7. It is not in dispute that, respondent No.2 got married to Pradip Keshavrao Padamawar prior to six years of 05-02-2016. They blessed with two daughters. Applicants No.1 and 2 are parents-in-law of the respondent No.2, applicants No.3, 5, 7 are brother-in-laws of respondent No.2, applicants No.4, 6, 8 are wives of applicants No.3, 5 and 7, applicant No.1 is maternal aunt of husband of

respondent No.2 and applicant No.10 is maternal uncle of husband of respondent No.2, applicants No.11 and 12 are also relatives of husband of respondent No.2.

8. Prosecution story in short is that after marriage husband and parents-in-law of respondent No.2 started ill-treating her on the count that she gave birth to daughters only. Her husband asked her to bring Rs.2 lakhs for opening clothes shop. She told him that, her father is unable to pay Rs.2 lakh. On that count also, all applicants had ill-treated her.

9. The applicants have contended that, it is a false and concocted story. Husband of the respondent No.2 has filed the petition under the Hindu Marriage Act for dissolution of marriage against respondent No.2. In that petition husband of respondent No.2 contended that, after marriage respondent No.2 cohabited with him only for three to four months and then started saying that, she does not like to reside at applicants' house and they should go to Nanded to reside. On that count there were quarrels between respondent No.2 and her husband. Respondent used to call her parents and used to go with them at her parental house to reside there. She also used to give threats of committing suicide. Therefore husband of respondent No.2 filed petition for divorce which is still pending. FIR is nothing but afterthought allegations with only intention to

harass them. 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.

10. Heard learned Advocate Mr. A. G. Vasmatkar appearing on behalf of applicants, learned Addl. Public Prosecutor Ms. P. V. Diggikar for respondent No.1- State. They have argued in support of their respective contentions.

11. The application was considered only for the allegations against the applicants No.3 to 12, married sister-in-laws of respondent No.2 and their husbands, maternal uncle and aunt and other relatives i.e. applicants No.11 and 12, of husband of respondent No.2. No specific role has been attributed against them. 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 No.3 to 12 for themselves as per the allegations in the FIR itself. Applicants No. 3 to 12 were not residing in the same house, where applicant No. 1 and respondent No. 2 used to reside. It appears that, as a routine all the relatives of the husband have been roped. It would be futile exercise to ask them to face the trial. Under such circumstance relief is required to be granted to the applicants No.3

to 12 by invoking the inherent powers of this Court under Section 482 of the Code of Criminal Procedure. Hence, following order.

ORDER

- 1) The Application of applicants No.3 to 12 is allowed.
- 2) Relief is granted to applicants No.3 to 12 in terms of prayer Clause 'A' and relief is granted of quashing of charge-sheet, case itself.
- 3) Application of applicants No.1 and 2 is disposed of as withdrawn.
- 4) Rule made absolute in the those terms.

(SMT. VIBHA KANKANWADI)
JUDGE

(T. V. NALAWADE)
JUDGE

vjg/-.