

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

CRIMINAL APPLICATION NO. 1431 OF 2018

- 1] Bhushan S/o Bharat Marathe,
Age: 30 Years, Occu: Business,
- 2] Bharat S/o Rajdhar Marathe,
Age: 60 Years, Occu: Pensioner / Business,
- 3] Ranjana W/o Bharat Marathe,
Age: 54 Years, Occu: Service,

All R/o. Shivsagar Mangal Karyalaya,
Deepmala Society, Stadium Chowk,
Dhule, Taluka and District Dhule.
- 4] Kalpana W/o Kishor Chouhan,
Age: 52 Years, Occu: Service,
R/o. Jadhavwadi, Kishor Mangal Karyalaya,
Aurangabad, Taluka and District Aurangabad.
- 5] Manisha W/o Pravin Ithape,
Age: 42 Years, Occu: Household,
R/o. Near Government Milk Dairy,
Dhule, Taluka and District Dhule.

... APPLICANTS
(ORIG. ACCUSED)

VERSUS

- 1] The State of Maharashtra,
Through P.I. of Nandurbar
Town Police Station, Nandurbar,
Taluka and District Nandurbar.

2] Smt. Divya Bhushan Marathe,
Age: 54 Years, Occu: Household,
R/o. C/o: Vilas Baburao Jadhav,
Plot No.100, Arihant Nagar,
Near Kuran Choufuli, Nandurbar,
Taluka and District Nandurbar.

... **RESPONDENTS**
(ORIGINAL COMPLAINANT)

...
Mr. R. C. Deshpande, h/f Mr. C. C. Deshpande, Advocate for Applicants.
Mrs. V. S. Choudhary, APP for Respondent No.1 / State.
...

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

DATE : 03rd July, 2018.

ORAL 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 the relief of quashing of FIR No.312 of 2017, registered with Nandurbar Town Police Station, District Nandurbar, for the offences punishable under Sections 307, 504, 506, 323, 324, 406, 498-A and 420 read with 34 of the Indian Penal Code.

3 The crime is registered on the basis of report given by

Respondent No.2, wife of present Applicant No.1. During the arguments, the learned counsel for Respondent No.2 submitted that Respondent No.2 has no grievance against Applicant Nos.2 to 5 namely Bharat Marathe, Ranjana Marathe, Kalpana Chouhan and Manisha Ithape. The learned counsel submitted that he has objection to grant relief to Applicant No.1 Bhushan Marathe, husband as main allegations are made against him and the wife wants to prosecute the matter.

4 The learned APP is heard on those submissions.

5 The learned counsel for Applicant No.1, on instructions, submits that he wants to withdraw the application of Applicant No.1 Bhushan Marathe. So, the application of Applicant No.1 Bhushan Marathe is disposed of as withdrawn.

6 This Court has carefully gone through the contents of FIR. The main allegations are against Applicant No.1 Bhushan Marathe. Applicant Nos.2 and 3 are parents of Applicant No.1 and Applicant Nos.4 and 5 are sisters of Applicant No.3. Their place of resident is also shown different. As the wife has no grievance against Applicant

Nos.2 to 5 and she does not intend to give evidence against them, this Court holds that it will be futile exercise if the proceedings are allowed to proceed further against them. In the result, the following order is passed:

ORDER

- I. The application of Applicant Nos.2 to 5 namely Bharat Marathe, Ranjana Marathe, Kalpana Chouhan and Manisha Ithape is allowed.
- II. Relief is granted to them only in terms of prayer clause (B).
- III. The application of Applicant No.1 Bhushan Marathe is disposed of as withdrawn and so the investigation can go on and further steps can be taken by the investigating agency.
- IV. Rule made absolute in those terms.

[K. L. WADANE, J.]

[T. V. NALAWADE, J.]