

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD.
CRIMINAL APPLICATION NO. 1457 OF 2018**

- 1) Kailas s/o Pralhadrao Pawar,
Age 41 years, Occ. Teacher,
R/o. New Satara Parisar, Near
Chate School, Satara, Tq. & Dist.
Aurangabad.
- 2) Sujit s/o Kaniram Rathod,
Age 30 years, Occ. Service,
R/o. Flat No. 102, Shiv Vandan
Complex, Ganga Nagar Road,
Near Trimurty Temple, Fursungi,
Pune, Tq. & Dist. Pune.
- 3) Sarika w/o Sujit Rathod,
Age 26 years, Occ. Housewife,
R/o. Flat No. 102, Shiv Vandan
Complex, Ganga Nagar Road,
Near Trimurty Temple, Fursungi,
Pune, Tq. & Dist. Pune.
- 4) Ravi s/o Govardhan Rathod,
Age 26 years, Occ. Business,
R/o. Satara Tanda No. 1, Post
Satara, Aurangabad, Tq. & Dist.
Aurangabad.
- 5) Priyanka w/o Ravi Rathod,
Age 21 years, Occ. Housewife,
R/o. Satara Tanda No. 1, Post Satara,
Aurangabad, Tq. & Dist. Aurangabad.
- 6) Rahul s/o Keshav Pawar, Age 18
years, Occ. Education, R/o. Satara
Tanda No. 2, Post Satara, Aurangabad,
Tq. & Dist. Aurangabad.

... **Applicants**

VERSUS

1. The State of Maharashtra.
Through Police Inspector,
Satara Police Station, Satara
Parisar, Aurangabad, Tq. & Dist.
Aurangabad.
2. Pratiksha w/o Avinash Pawar,
Age 20 years, Occ. Housewife,
R/o. Satara Tanda No. 2, Aurangabad,
Presently r/o. Porgaon Tanda, Tq.
Paithan, Satara, Aurangabad, Tq. &
Dist. Osmanabad.

... **Respondents.**

(respondent No. 2 is original
complainant)

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Advocate for Applicants : Mr. Raut Ashok D.
APP for respondent No. 1/State : Mrs. D.S. Jape.
Advocate for respondent No. 2 : Mr. G.J. Karne.

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

DATE : 9th AUGUST, 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 under the provisions of section 482 of the Code of Criminal Procedure for relief of quashing the first information report bearing Crime No. 154/2018 dated 02.05.2018

registered with Satara Police Station, Satara Parisar, Aurangabad, for the offences punishable under section 498A, 323, 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 is the cousin of original accused No. 1 Avinash (husband of complainant), applicant No. 2, 4 and 6 are brothers of original accused No. 1 Avinash. Applicant No. 3 is wife of applicant No. 2 and applicant No. 5 is wife of applicant No. 4.

(ii) Respondent No. 2/original complainant lodged complaint by alleging that, her marriage performed with accused No. 1 Avinash on 25.12.2016. In the marriage the father of the complainant gave all household utensils amounting to Rs. One Lakh and Fifty Thousand and cash amount of Rs. Five lakh. After marriage complainant went for cohabitation, where she was residing with her husband Avinash, father-in-law Keshav, mother-in-law Lilabai and applicant No. 6 Rahul. She was treated well for about three months. On 18.02.2017 at about 4 p.m., at the instigation of her mother-in-law the husband of complainant assaulted her. The father-in-law and mother-in-law suspecting on the character of complainant and started teasing her. The father-in-law of complainant demanded money for purchasing buffaloes. Applicant

No. 6 without any reason assaulted her and threatened to kill her. Applicants No. 2 to 5 came for Diwali festival and assaulted the complainant on account of non-celebrating of Dewali festival properly. The applicants and other accused persons also demanded money for construction of house and started harassing the complainant mentally and physically. Therefore on 12.02.2018 the complainant filed complaint with Women Grievance Redressal Cell. The applicant No. 1 threatened the complainant for withdrawing the said application. With these allegations, offence came to be registered against the applicants and other accused persons for the offences punishable under section 498-A, 323, 504, 506 read with section 34 of the Indian Penal Code.

4. We have heard the arguments of Mr. Raut, learned counsel for the applicants, Mrs. Jape, learned APP for the respondent No.1/State and Mr. Karne, 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, father-in-law, and mother-in-law and they are not party in the present proceeding. The allegations against the applicants are vague and general in nature. On perusal of record it appears that the applicant No. 1 is distant relative of original accused

No. 1 Avinash (husband). Applicants No. 3 and 5 are the sisters of the original accused No. 1, who are residing at their matrimonial houses. The applicants No. 2 and 4 are the husbands of applicants No. 3 and 5. It appears that, all the applicants are not residing with the original accused No. 1 and his family. Therefore, prima-facie it appears that, the applicants have no concern with the family matters of the complainant and original accused No. 1.

6. In view of the above and on perusal of the first information report 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 accused No.1. Hence to prevent the abuse of process of law, we find that discretion needs to be exercised in respect of applicants. 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/-