

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

CRIMINAL APPLICATION NO. 2329 OF 2017

1. Kishor Laxman Patil,
Age 26 yrs. Occ. Nil,
2. Laxman Vitthal Patil,
Age 58 yrs. Occ. Retired,
3. Pushpabai Laxman Patil,
Age 52 yrs. Occ. Household,
4. Bharat Laxman Patil,
Age 30 yrs. Occ. Service (Pvt.),
5. Gitanjali Bharat Patil,
Age 28 yrs. Occ. Household,
6. Shashikant Laxman Patil,
Age 28 yrs. Occ. Service

All are resident at
Plot No.1, Nandanvan Row House,
Near Kala Nagar, Indira Nagar,
Vadali Pathardi Road, Cidco, Nashik – 9.

7. Kusumbai Vasant Patil,
Age 54 yrs. Occ. Household,
R/o Naygaon, Tq. Yawal,
Dist. Jalgaon.

... APPLICANTS

VERSUS

1. The State of Maharashtra,
Through its Police Station
Parola, Tal. Parola, Dist. Jalgaon.

2. Hemlata Kishor Patil,
Age 23 yrs, Occ. Household,
R/o Kolprimpri, Tq. Parola,
Dist. Jalgaon.

... **RESPONDENTS**

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Mr. Harshal P. Randhir, Advocate for Applicants.
Mr. A. A. Jagatkar, APP for Respondent No.1 / State.
Mr. B. R. Warma, Advocate for Respondent No.2.

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

DATE : 20th 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 charge-sheet, which is given R.C.C. No.24 of 2017 and which is pending in the Court of Judicial Magistrate First Class, Parola, District Jalgaon. The case is filed for the offences punishable under Sections 498-A, 323, 504, 506, 294 and 34 of the Indian Penal Code. During argument, when this Court expressed that this Court is not inclined to grant relief to

Applicant Nos.1 to 6, the learned counsel for these Applicants, on instructions, submitted that he wants to withdraw their application. So, the application of Applicant Nos.1 to 6 needs to be treated as disposed of as withdrawn.

3 Applicant No.7, Kusumbai is said to be maternal aunt of the husband of first informant, Respondent No.2. Her place of residence is different, Naygaon, Taluka Yawal, District Jalgaon. First informant had cohabited with her husband in Nashik. Crime was registered on the basis of directions given by the learned Judicial Magistrate First Class, Parola to make investigation under Section 156(3) of the Code of Criminal Procedure. The submissions made and record show that the wife has filed proceeding under the Domestic Violence Act bearing D. V. Application No.13 of 2016 in the Court of Judicial Magistrate First Class, Parola, District Jalgaon and the husband has filed divorce proceeding under Section 13 of the Hindu Marriage Act, 1955.

4 The allegations made in the complaint show that they are mainly against the husband and his close relatives like Applicant Nos.1 to 6. There are allegations that the Applicants were demanding

Rs.10,00,000/- as the husband wanted to purchase new house in Nashik. Allegations are made that amount of Rs.2,00,000/- was given to Applicant Nos.1 to 6. There is allegations in respect of incident dated 20th March, 2016 that on that day at about 09:00 pm, Applicant No.7 came with other Accused, gave abuses and said that the husband wanted divorce from the wife. Allegations are made that the present Applicant No.7, Kusumbai had assaulted the Complainant.

5 Admittedly, Applicant No.7 is a distant relative of the husband of Complainant. She was not living in the vicinity of the house of the husband and she is also not resident of village of parents of the Complainant. It can be said that only to pressurize the husband, all the known relatives of the husband are roped in. In view of the nature of allegations and other record, which is not showing similar allegations against Kusumbai, this Court holds that relief needs to be given to Kusumbai. In the result, the following order is passed:

ORDER

- I. The application of Applicant No.7, Kusumbai Vasant Patil is allowed. Relief is granted to her in terms of prayer clause (B).

- II. The application of Applicant Nos.1 to 6 is disposed of as withdrawn.
- III. Rule is made absolute in those terms.

[SMT. VIBHA KANKANWADI, J.]

[T. V. NALAWADE, J.]

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