

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 3135 OF 2015

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| <ol style="list-style-type: none">1. Praful S/o Ramji Pawar, Aged 27 Years, Occupation Education, Resident of presently residing at Deccan Gymkhana, Pune, District Pune and permanent address Ganesh Nagar, Umarkhed, Taluka Umarkhed, District Yavatmal2. Pravin S/o Ramji Pawar, Aged 31 Years, Occupation Private Service at Pune, Resident of as above3. Dipak S/o Ramji Pawar, Aged 33 Years, Occupation Agriculture, Resident of Ganesh Nagar, Umarkhed, Taluka Umarkhed, District Yavatmal4. Rahul S/o Ramji Pawar, Aged 23 Years, Occupation Education, R/o as above5. Smt. Krushnabai W/o Ramji Pawar, Aged 60 years, Occupation Household, Resident of as above | APPLICANTS |
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V E R S U S

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| <ol style="list-style-type: none">1. The State of Maharashtra, Through Police Station Shivaji Nagar Nanded2. Sow. Pallavi W/o Mahesh Pawar, Aged 28 Years, Occupation Household, Resident of House No.88, Near Panchmukhi Hanuman Mandir, Ganesh Nagar, Nanded, Tq. & Dist. Nanded | RESPONDENTS |
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Mr. S.G. Chincholkar, Advocate, holding for
Mr. G.N. Chincholkar, Advocate for the applicants
Mr. S.J. Salgare, A.P.P. for respondent No.1
Mr. G.B. Patunkar, Advocate for respondent No.2

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

DATE : 31st AUGUST, 2018

ORAL JUDGMENT [PER : T.V. NALAWADE, J.] :

The proceeding is filed under Section 482 of the Code of Criminal Procedure for relief of quashing of the proceeding of Regular Criminal Case No.723 of 2014 arising out of Crime No.68/2014, registered with Shivaji Nagar Police Station, Nanded. The Charge-Sheet is filed for the offences punishable under Sections 498-A, 323, 504, 506 read with Section 34 of the Indian Penal Code and under Section 4 of the Dowry Prohibition Act.

2. Both the sides are heard.

3. Respondent No.2-Pallavi is the wife of Mahesh s/o Ramji Pawar, who is brother of applicant Nos.1 to 4. Applicant No.5 is the mother of Mahesh. Pallavi was given in marriage to Mahesh on 23rd February, 2011. It appears that there was cohabitation till 16th May,

2012. The First Information Report was given on 26th April, 2014.

4. The allegations are made that the husband was not happy with the dowry and articles given in the marriage and he used to express his displeasure over it and he used to harass the first informant. Mahesh was in service in Hyderabad and as he wanted to purchase flat there, and so, he was asking the first informant to bring Rs.10,00,000/- from her parents. Her parents could not met this demand and therefore ill-treatment was increased. The allegations are made against the present applicants that they were also harassing the first informant mentally. She has made allegations that her husband then started beating to her. The allegations are made that the applicants and maternal uncle of the husband were instigating the husband by saying that the first informant had proved to be bad luck to their family. The allegations are made that ultimately at Umerga all the applicants harassed her and her husband said that she should return to her parents house. The first informant was then reached to her parents house.

5. Some record is produced to show that the mother of Mahesh had filed complaint to District Superintendent of Police that the wife of Mahesh had left the matrimonial house by herself and she was

giving threats to file case against the relatives of Mahesh. Some record like S.M.S. sent by the wife/first informant is produced. This Court quashed the proceeding as against other relatives in Criminal Application No.5050 of 2014 and the copy of order dated 7th April, 2015 is produced on record. The submissions made and the record shows that applicant No.2 is resident of Pune as he is employed there. It was submitted that applicant No.1 was also living at Pune for education at relevant time. In any case, the allegations made against the present applicants are very vague in nature and they are already quoted above. It can be said that the main allegations are against the husband. In view of the nature of allegations and also a circumstance like a proceeding for mutual divorce is filed by the respondent No.2 [wife] and Mahesh [husband] bearing Petition No.65 of 2017 in Family Court, Nanded, relief needs to be granted to the applicants.

6. In the result, application is allowed in terms of prayer clause "b". An amount of Rs.3,000/- [Rupees Three Thousand] be paid to the learned counsel appointed by this Court who represent respondent No.2-first informant. Rule made absolute in those terms.

7. In view of disposal of Criminal Application No.3135 of 2015, Criminal Application No.2472 of 2018 stands disposed of.

[SMT.VIBHA KANKANWADI,J.]

[T.V. NALAWADE, J.]