

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

Criminal Application No. 01649 of 2018

District : Aurangabad

1. Sunanda @ Soni w/o. Vijay Shejawal,
Age : 34 years,
Occupation : Household,
R/o. Harshnagar,
Near Majad Kirana,
Lota Karanja, Aurangabad.
2. Monika w/o. Nagesh Bhalerao,
Age : 32 years,
Occupation : Household,
R/o. House No. 5-12-1637,
Galli No.14, Near SDH,
Church, Misarwadi,
Aurangabad.
3. Nagesh s/o. Sandu Bhalerao,
Age : 35 years,
Occupation : Private Service,
R/o. House No. 5-12-1637,
Galli No.14, Near SDH,
Church, Misarwadi,
Aurangabad.
4. Kalpana w/o. Kailash Pawar,
Age : 34 years,
Occupation : Household,
R/o. N-11, F-12-1,
Navjeevan Colony,
HUDCO, Aurangabad.
5. Kailash s/o. Ramrao Pawar,
Age : 46 years,
Occupation : Labour,
R/o. Near Kingaon, Fhulambri,
Aurangabad,
at present N-11, F-12-1,
Navjeevan Colony, HUDCO,
Aurangabad.

6. Niteen s/o. Ramdas Lokhande,
Age : 28 years,
Occupation : Business,
R/o. Galli No.4, Plot No.5,
Surewadi, New Mondha Point,
Aurangabad.
7. Ramdas s/o. Dhondiram Lokhande,
Age : 62 years,
Occupation : Service,
R/o. Galli No.4, Plot No.5,
Surewadi, New Mondha Point,
Aurangabad.
8. Shobabai w/o. Ramdas Lokhande,
Age : 60 years,
Occupation : Household,
R/o. Galli No.4, Plot No.5,
Surewadi, New Mondha Point,
Aurangabad.
9. Sachin s/o. Ramdas Lokhande,
Age : 33 years,
Occupation : Private Service,
R/o. Galli No.4, Plot No.5,
Surewadi, New Mondha Point,
Aurangabad.

.. Petitioners.

versus

1. The State of Maharashtra,
Through the Police Station of
Peth Beed Police Station,
Taluka & Dist. Beed.
2. Jyoti w/o. Sachin Lokhande,
Age : 30 years,
Occupation : Service,
At present R/o. 132 KV Power,
Quarter No.6, 2nd Floor,
Near the Water Tank of
Idghah Road, Peth Beed,
Beed, Taluka & Dist. Beed.

.. Respondents
(No.02 -
Original
complainant)

.....

Mr. Angad L. Kanade, Advocate, for applicants.

Ms. D.S. Jape, Additional Public Prosecutor, for respondent no.01.

Mr. Mahendra P. Gandle, Advocate, for respondent no.02.

.....

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

DATE : 04TH OCTOBER 2018

JUDGMENT [Per Smt. Vibha Kankanwadi, J.] :

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

2. 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. 147 of 2018, registered with Peth Beed Police Station, Dist. Aurangabad, for the offences punishable under Section 498-A, 323, 504 read with Section 34 of the Indian Penal Code and also the charge-sheet bearing No. 80 of 2018 vide R. C. C. No. 316 of 2018 filed in the Court of Chief Judicial Magistrate, Beed.

3. Respondent No.2 got married to applicant No.9 on 10-12-2009. Applicant Nos.1, 2 and 4 are the sisters. Applicant No. 6 is the brother. Applicant Nos. 7 and 8 are the parents of applicant No.9. Applicant No. 3 is the husband of applicant No. 2. Applicant No. 5 is the husband of applicant No. 4.

4. Respondent No.2 – informant has contended that, she was treated properly for about 8-9 months by applicant No. 9. Thereafter she gave exams of I. T. I. and cleared the same. She was appointed as Junior Technician at Pune on 24-07-2010. Thereafter she as well as applicant No. 9 went to reside at Pune. Her husband used to harass her at that place. She gave birth to her daughter Chanchal. Informant was disclosing about the ill-treatment to her parents. Her parents used to come and give advice to applicant No. 9 and others. Applicants were not paying attention to the same. Applicant No. 9 had gone to her office at Pune and at that time he had assaulted her. Informant therefore, got herself

transferred to Theur. However, applicant No. 9 did not stop from ill-treating her. She had therefore, got herself transferred to Aurangabad. All the applicants were asking her to raise loan in her name to the tune of Rs.10 lakhs for purchasing house and the amount should be given to her. She was physically and mentally harassed and driven out of the house on 01-08-2016. Again she had got herself transferred to Mahakal in Jalna district. She was harassed at that place also. She got transferred in Beed district. There was compromise between her and applicant No. 9 on a bond paper on 24.11.2017. Applicant No. 9 had harassed her at Beed. Therefore, she has lodged the report.

5. The applicants have contended that, they are residing separately from applicant No. 9 and respondent No. 2 since the date of their marriage. The sisters-in-law are residing at their matrimonial home with their husbands. They have not committed any offence. There is delay in lodging FIR which has not been explained by respondent No. 2.

Applicant No. 9 had issued notice to respondent No. 2 for resumption of cohabitation. She has not responded to the same. Applicant No. 7 and 8 have already constructed a house at Surewadi, Aurangabad, therefore, there was no question of demand of Rs.10 lakhs. 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 FIR and proceeding.

6. Heard learned Advocate Mr. A. L. Kanade appearing on behalf of applicants, learned Addl. Public Prosecutor Mrs. D. S. Jape and learned Advocate Mr. M. P. Gandle, appearing on behalf of respondent No.2. When it was pointed out to the learned advocate for the applicants that, this Court is not inclined to grant any relief to applicants No.7, 8 and 9, he prayed for withdrawal of the application as against them.

7. The application was considered only for the allegations against the married sisters-in-law,

their husband and brother of applicant No.9. No specific role has been attributed against them in respect of offence under Section 498-A of the Indian Penal Code. 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 applicant Nos. 1 and 6 for themselves as per the allegations in the FIR itself. Moreover applicants No. 1 to 6 are admittedly residing at separate residence from the residence of respondent No. 2 and applicant No. 9. The sisters-in-law and their husband are residing at their respective places since prior to the marriage between applicant No. 9 and respondent No. 2. So, it appears that, as a routine all the relatives of the husband have been roped. It would be a futile exercise to ask the present applicant Nos. 1 to 6 to face the trial. Under such circumstance, relief is required to be granted to the applicant Nos. 1 to 6

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

ORDER

- 1) Application of applicants No. 1 to 6 is hereby allowed.
- 2) Relief is granted in terms of prayer clause "B" to the applicants No. 1 to 6 only.
- 3) Application to the extent of applicant Nos. 7, 8 and 9 is hereby disposed of as withdrawn.
- 4) Rule made absolute in the above terms.

(Smt. Vibha Kankanwadi)
JUDGE

(T.V. Nalawade)
JUDGE

.....