

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

Criminal Application No.2610 of 2010

- 1) Devanand s/o Baliram Wankhede,
Age 59 years,
Occupation : Agriculture,
R/o Sarawsati Colony,
Shivaji College Road, Akot,
Taluka Akot, District Akola.
 - 2) Suryakanta w/o Devanand Wankhede,
Age 44 years,
Occupation: Household,
R/o as above.
 - 3) Manoj s/o Ashok Wankhede,
Age 26 yeas,
Occupation: Service,
R/o At present Wadnergangai,
Taluka Daryapur,
District Amravati.
- .. Applicants.**

Versus

- 1) The State of Maharashtra.
 - 2) Jyoti w/o Rajesh Wankhede,
Age 27 years,
Occupation: Household,
R/o At present
C/o Anandrao Hiranmanji Ingle,
Prashant Nagar,
Hanuman Mandir Road,
Near Buddh Bhumi,
Amravati, Dist Amravati.
- .. Respondents.**

Shri. N.K. Choudhari, Advocate, for applicants.

Ms. V.S. Choudhari, Additional Public Prosecutor, for respondent No.1.

Shri. P.M. Gaikwad, Advocate, for respondent No.2.

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

Date: 27 JULY 2018

JUDGMENT (Per T.V. Nalawade, J.):

1) The application is filed under section 482 of the Code of Criminal Procedure for the relief of quashing of F.I.R. No.72/2010 registered with Hingoli Police Station (Rural) for offences punishable under sections 498-A, 323, 504, 506, 34 etc. of the Indian Penal Code. Both the sides are heard.

2) The crime is registered on the basis of report given by one Smt. Jyoti Wankhede. Applicant No.1 is the uncle of the husband of the first informant, applicant No.2 is wife of applicant No.1 and applicant No.3 is cousin of husband of the first informant.

3) Allegations are made in the F.I.R. that after the marriage, which took place on 17-3-2008, the husband asked the first informant to bring Rs.4 lakh from her parents as he was to work at other station. It is contended that somehow father managed to give Rs.2.5 lakh in July 2008. It is contended that when she went for celebration of first Diwali festival to her parents house, husband did not turn up to take her back. It is her contention that when she returned to matrimonial house, the husband again started asking her to bring Rs.1.5 lakh from her parents. It is her contention that in March 2010 her father gave Rs.1.5 lakh.

4) It is the case of the first informant that even after giving the money, the husband and his relatives were not satisfied and they started giving ill-treatment to her on petty counts by saying that she was not able to do even the household work. In the F.I.R. allegations are made against the parents of the husband that all of them were giving ill-treatment to her. The allegation made is that in the last incident dated 2-6-2010 ill treatment was given by her husband and other close relatives of the husband though not by the present applicants.

5) The learned counsel for the applicants submitted that at the relevant time the applicants were living separate from the family of the husband of the first informant. It was submitted that they had no reason or occasion to give ill-treatment to the first informant. It was submitted that against the applicants vague allegations are made about the ill treatment. There is force in this contention.

6) Record is produced to show that applicant No.1 Devanand is resident of Akot, District Akola. He is ex-serviceman. The record shows that since 2002 he is living at Akot. ID Card issued to his wife on 28-1-2007 shows that she is also resident of Akot. 7/12 extract of the year 2009-2010 shows that he has agricultural land at a village and he is personally cultivating the land. The record in respect of applicant No.3 Manoj Wankhede is produced to show that ID card was issued by Election Commission on 31-5-2007 and at that time he was resident of Tahsil Daryapur, District Amravati. He has been working as registered Pharmacist and the date of registration was 31-8-2006. He is also admittedly not resident of the place

where the first informant cohabited with her husband. Due to all these circumstances, this Court holds that it will be abuse of process if the applicants are made to face the trial for the aforesaid offences. In the result, the application is allowed. Relief is granted in terms of prayer clause (B). Rule made absolute in those terms.

Sd/-
(K.L. WADANE, J.)

Sd/-
(T.V. NALAWADE, J.)

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