

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 1796 OF 2018

- 1) Ramesh s/o Wamanrao Mehetre,
Age 69 years, Occupation Nil,
r/o Rangar Galli, Manwat
Tq. Manwat dist. Parbhani.
- 2) Sau. Anjubai w/o Rameshrao Mehetre,
Age 67 years, Occupation Household,
R/o as above.
- 3) Suresh s/o Chandrakant Mehetre,
Age 44 years, Occupation Service,
R/o as above.
- 4) Pratibha w/o Suresh Mehetre,
Age 39 years, Occupation household,
R/o as above.
- 5) Padmabai w/o Chandrakant Mehetre,
Age 72 years, Occupation Household,
R/o as above.
- 6) Chandrakant s/o Wamanrao Mehetre,
Age 77 years, Occupation Nil,
R/o as above.

...Applicants

Versus

- 1) The State of Maharashtra
Through Police Station Officer,
Nanal Peth, Police Station, Parbhani
Dist. Parbhani.
- 2) Neeta w/o Rahul Mehetre,
Age 24 years, Occupation Household,
R/o C/o. Achalkumar Kale
Sagar Nagar, Parbhani
Dist. Parbhani.

...Respondents

Mr. S. S. Rathi, Advocate for applicants.
Mr. R. V. Dasalkar, Addl. Public Prosecutor, for respondent
No.1 / State.
Mr. P. V. Bodke, Advocate for respondent No.2.

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

DATE : 04-10-2018.

ORAL JUDGMENT : (Per SMT. VIBHA KANKANWADI, J.)

1. At the outset, learned Advocate for the applicants seeks permission to withdraw the application to the extent of applicant no.1 and 2.
2. Permission granted. The application stands disposed of as withdrawn to the extent of applicants no.1 and 2.
3. Rule. Rule made returnable forthwith. By consent, heard both the sides for final disposal.
4. 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. 235 of 2018, registered with Nanal Peth Police Station, Parbhani, for the offences punishable under Section 498-A, 323, 504 read with 34 of the Indian Penal Code. In the meantime, charge-sheet has been filed bearing No. 173 of 2008 vide R. C. C. No. 297 of 2018, before Judicial Magistrate First Class, Parbhani.

Applicants have amended the prayer and prayed for quashment of charge-sheet.

5. Respondent No.2 got married to applicant No.1 on 09-05-2017. Applicant No.1 is the father and applicant No. 3 is the mother of the husband of respondent No.2. Applicants No.3 is the cousin brother of husband of respondent No. 2 and applicant No. 4 is the wife of applicant No. 3. Applicants No. 5 and 6 are the uncle-Aunt of husband of respondent No. 2 and father of applicant No. 3.

6. Respondent No.2 – informant has contended that, her father had spent around Rs.6,20,000/- on the engagement ceremony. She went to Manwat, after marriage and started residing with her husband and applicants. All the applicants are residing jointly. Her husband Rahul went to Pune, where he is serving alone. Informant resided with parents of her husband as well as with applicants No. 5 and 6. She was taken to her husband by applicant No. 3 and others on 02-06-2013. Thereafter, her brother had given utensils, fridge, T. V., Sofa-set, Gas, etc by purchasing them at Pune on 08-06-2017 as per the choice of Rahul. Rahul and applicant No. 3 were asking that those articles should be given as per their status. Thereafter, applicants No. 1, 2, 5 and 6 came to Pune and started giving pinching words to her on the count that she is not able to do household work properly. Rahul was not behaving properly with her.

He then started demanding Car. He told that she should bring amount from her father. When she told that it will not be possible taking into consideration that her father had already spent huge amount on her marriage. Immediately Rahul told that he was in love with somebody else and wanted to perform marriage with her. His family members were knowing about his love affair. Now he is not in need of her. She told the said fact to applicants No. 3 and 4 but they had assaulted her. Her husband had also assaulted her and none of the applicant came to rescue her. She informed the said fact to her brother. Her brother with uncle and applicant No. 3 came to Pune, where informant was residing with her husband and applicants No. 1 and 2. They had discussion and then Rahul asked time for good behaviour. Thereafter, Rahul got annoyed with the fact that informant became pregnant. He told her that when he has no intention to accept her, how he will accept the child ? He gave threat that if she gives birth to the child, he would leave her. He was sending threatening messages on her mobile. Informant was harassed and threatened by applicants on many occasions. She was dropped by applicants to Parbhani by railway. She had then tried to contact her husband, but he was not picking her phone. After a meeting, wherein Rahul accepted his love affair with other lady, promised to maintain informant. However, thereafter all the applicants were asking her to get her abortion done. She was

pressurized to undergo abortion at Pune on 01-08-2017. She was then sent to Manwat. When she contacted husband, he told that he would be accepting job abroad and therefore she should stay there. Her efforts to resume cohabitation were not successful. She therefore, lodged report on 14-06-2018.

7. The applicants have contended that, informant is staying at Parbhani since September 2017 with her parents. She was convinced by elderly persons from time to time, but she is not listening. She resided for 9-10 months with her parents and then lodged the report. Applicants contend that they have not committed any offence. Ingredients of the offence are not made out from the contents of the FIR. Applicants No. 3 to 6 never resided at Pune with informant. There are not allegations of demand of dowry and harassment on the count of non-fulfillment of same. The main allegations are only against husband. Therefore, they have prayed for quashment of the proceeding.

8. Heard learned Advocate Mr. S. S. Rathi appearing on behalf of applicants, learned Addl. Public Prosecutor Mr. R. V. Dasalkar and learned Advocate Mr. P. V. Bodke, appearing on behalf of respondent No.2. Perused the charge-sheet. 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.1 and 2, he prayed for withdrawal of

the application as against them.

9. The application was considered only for the allegations against the applicants No. 3 to 6. It is to be noted from the contents of the FIR that applicant resided for some period only at Manwat. There are not serious allegations against them at the initial stage. Applicants No. 3 to 6 are resident of Manwat. She has stated that she had also resided with applicant No. 5 and 6. When the house of her husband is there in the same locality, why she would stay in the house of applicants No. 3 to 6. Applicant No. 3 is not the real brother of Rahul. How much he would have interfered in the domestic affairs of Rahul is a question. Applicants No. 3 to 6 are residing separately from applicants No. 1 and 2. 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 husband and his parents are there. Nothing is stated to have been demanded by applicants No.3 to 6 for themselves as per the allegations in the FIR itself. Statements of the witnesses are also on the same line. So, it appears that, as a routine all the relatives of the husband have been roped. It would be a futile exercise to ask applicants No. 3 to 6 to face the trial. Under such circumstance relief is required to be granted to the applicants No. 3 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 and 2 is disposed of as withdrawn.
- 2) The application of applicants No. 3 to 6 is allowed.
- 3) Relief is granted in terms of prayer clause "C-1" to the applicants No. 3 to 6 only.
- 4) Rule made absolute in the above terms.

(SMT. VIBHA KANKANWADI)
JUDGE

(T. V. NALAWADE)
JUDGE

vjg/-.