

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

**CRIMINAL APPLICATION NO. 2936 OF 2017**

- 1] Vikas Gautam Pradhan,  
Age 25 years, Occu. Labour,  
R/o. Plot No.48, Gat No.90/2,  
Sahyadri Nagar, Satara Parisar,  
Aurangabad.
- 2] Gautam Kundlik Pradhan,  
Age 55 years, Occu. Labour,  
R/o. Plot No.48, Gat No.90/2,  
Sahyadri Nagar, Satara Parisar,  
Aurangabad.
- 3] Lata Gautam Pradhan,  
Age 53 years, Occu. Household,  
R/o. Plot No.48, Gat No.90/2,  
Sahyadri Nagar, Satara Parisar,  
Aurangabad.
- 4] Archana Kishor Sonkamble,  
Age 33 years, Occu. Household,  
R/o. Plot No.23, Gat No.89,  
High Court Colony, Satara Parisar,  
Aurangabad.
- 5] Kishor Rambhau Sonkamble,  
Age 35 years, Occu. Labourer,  
R/o. Plot No.23, Gat No.89,  
High Court Colony, Satara Parisar,  
Aurangabad.
- 6] Maya Vinod Sonkamble,  
Age 25 years, Occu. Household,  
R/o. Plot No.23, Gat No.89,  
High Court Colony, Satara Parisar,  
Aurangabad.

7] Vinod Rambhau Sonkamble,  
Age 27 years, Occu. Labourer,  
R/o. Plot No.23, Gat No.89,  
High Court Colony, Satara Parisar,  
Aurangabad.

8] Rambhau Namdeo Sonkamble,  
Age 84 years, Occu. Labourer,  
R/o. Vai 2, Taluka Mantha,  
District Jalna.

**... APPLICANTS**

**VERSUS**

1] The State of Maharashtra,  
Through Partur Police Station,  
District Jalna.

2 Aarti Vikas Pradhan,  
Age 22 years, Occu. Household,  
R/o. Sahadri Nagar, Satara Parisar,  
High Court Colony, Aurangabad.

**... RESPONDENTS**  
(No.2 Orig. Informant)

...  
Mr. Amol S. Sawant, Advocate for Applicants.  
Mr. R. V. Dasalkar, APP for Respondent No.1 / State.  
Mr. D. J. Patil, Advocate for Respondent No.2.

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

**DATE : 27<sup>th</sup> June, 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 criminal case bearing R.C.C. No.139 of 2017, which is pending before the Judicial Magistrate First Class, Partur, District Jalna and which is filed for the offences punishable under Sections 498-A and 323 read with 34 of the Indian Penal Code and Sections 3 and 4 of the Dowry Prohibition Act. The case is filed in Crime No.112 of 2017, which was registered at Partur Police Station, District Jalna. After filing of the proceeding, charge-sheet came to be filed and so by making amendment, relief is claimed for quashing of the case itself.

3           Crime was registered on the basis of report given by Respondent No.2 Aarti. Applicant No.1 is the husband of Respondent No.2, Applicant No.2 is the father of Applicant No.1, Applicant No.3 is the mother of Applicant No.1, Applicant No.4 is a sister of Applicant No.1, Applicant No.5 is the husband of Applicant No.4, Applicant No.6 is a sister of Applicant No.1, Applicant No.7 is the husband of Applicant No.6 and Applicant No.8 is the father of Applicant No.5.

4           The marriage between Applicant No.1 and Respondent No.2 took place on 17<sup>th</sup> April, 2015 at Partur and it is the contention of Respondent No.2 that after the marriage she started cohabiting with Applicant No.1, who is resident of Sahyadri Nagar, Satara Parisar, High Court Colony, Aurangabad, Gat No.90/2. It is her contention that in the said house, all the Applicants were living including the husbands of sisters-in-law and father of husband of one sister-in-law. It is her contention that her husband and father-in-law were doing business of Pandal decoration and others were helping them in the business.

5           It is the case of Respondent No.2 that after six months of marriage, ill-treatment was given to her by all the Applicants. It is her case that the Applicants had asked her to bring LCD TV, air-conditioner etc. from her parents but her parents could not made that demand. It is her case that all the Applicants were starving her and they were mentally harassing her. It is her case that her parents had tried to convince the husband to behave well, but he was not ready to listen and he said that he would not allow Respondent No.2 to cohabit with him unless Rs.5,00,000/- is given to him. It is her

contention that to force this demand she was driven out of the matrimonial her. It is her contention that she approached the grievance cell, but no response was given to the Applicants to the complaint made to the Grievance Redressal Cell and so she was required to file FIR. The FIR was given on 25<sup>th</sup> March, 2017.

6           In the FIR, Respondent No.2 has contended that all the Applicants were living together. But her reply given in the proceeding filed for divorce by husband is different. There, she admitted that sisters-in-law were living separate. Thus, Applicant Nos.4 to 8 were living separate at the relevant time. Record is produced by the Applicants like their identity cards issued by Election Commission, separate bill issued in respect of electricity connection and record of bank account. In view of these circumstances, it can be said that there is possibility of exaggeration and there was no need to Applicant Nos.4 to 8 to harass Respondent No.2. Considering the possibility of exaggeration and the record produced by Applicant Nos.4 to 8, this Court holds that it will be abuse of process of law if Applicant Nos.4 to 8 are asked to face the trial. The allegations are mainly against the husband and Applicant Nos.4 to 8 are not living with the husband of

Respondent No.2. In the result, the following order is passed:

**ORDER**

- I. The application of Applicant Nos.4 to 8 is allowed.
- II. Relief is granted to them only in terms of prayer clause (B1).
- III. The application of Applicant Nos.1 to 3 stands dismissed.
- IV. The fees of the counsel appointed for Respondent No.2 is quantified as Rs.3,000/-.
- V. Rule made absolute in those terms.

**[ K. L. WADANE, J. ]**

**[ T. V. NALAWADE, J. ]**

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