

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

CRIMINAL WRIT PETITION NO. 830 OF 2014

1. Shobhabai W/o Vasantao Bhosale,
Age: 45 years, Occu: Household,
2. Mukesh S/o Vasantao Bhosale,
Age: 26 years, Occ: Service,
All R/o Akata Chowk, Chandan-Zira,
Tq. and Dist. Jalna.

... PETITIONERS
(Original Accused Nos.2 & 3)

VERSUS

1. State of Maharashtra,
Through the Investigating Officer,
Taluka Police Station Jalna,
Taluka and Dist- Jalna.
2. Mandabai W/o Ramesh Danke,
Age: 55 years, Occ: Housewife,
R/o Old Jalna, Dist: Jalna.
3. Ramesh Danke,
Age: 60 years, Occu: Service,
R/o Old Jalna, Dist: Jalna.
4. Shakeela W/o Saleem Shaikh,
Age: 48 Years, Occu: Service,
R/o Aurangabad, Dist. Aurangabad.
5. Raju Patole,
Age: 45 Years, Occu: Service,
R/o Aurangabad, Dist. Aurangabad.

(Amendment carried out and
R. Nos.4 & 5 are deleted as per
Court order dt.19.09.2014)

... RESPONDENTS

...

Mr. Rajesh F. Rothe, Advocate for Petitioners.

Mr. M. M. Nerlikar, APP for Respondent No.1 / State.

Mr. J. M. Murkute, Advocate for Respondent Nos.2 & 3.

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

DATE : 26th October, 2018.

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

. The proceeding is filed for relief of quashing of FIR No.200 of 2014, registered with Taluka Police Station, Taluka Jalna, District Jalna, for the offences punishable under Sections 307, 498-A, 323, 504 and 506 read with 34 of the Indian Penal Code.

2 Both the sides are heard.

3 The crime is registered on the basis of report given by Mangalbai, who is mother of deceased, Deepa. Deepa was given in marriage to a son of Petitioner No.1. Petitioner No.2 is the brother of the husband of Deepa. Her marriage took place with Nitesh in the year 2010. Allegations were made by Mangalbai that on 19th July,

2013, deceased was assaulted by husband as his demand of Rs.5,00,000/-, which was made for purchasing Maruti car was not met with. Allegations are made that mother of Nitesh and Petitioner No.2 were also asking her to bring money and they were harassing her on petty counts. It is her contention that she had tried to convince the husband and relatives of the husband to behave well, but they had not improved their conduct.

4 Deepa has left behind a daughter aged 3 and 1/2 years and a son about 1 year. Her health deteriorated after the birth of son. She was taken to parent's house for treatment. She was bedridden on 6th June, 2014 and on that day, the report came to be given.

5 The submissions made show that Deepa died due to cancer. Submissions made and record show that treatment was given by the husband to deceased, but after registration of crime, she died. Police papers show that in the past, there was some dispute, but the dispute was settled on 15th September, 2011 and she had returned to the matrimonial house. Police papers do not contain the statement of Deepa. Evidence will be mostly on alleged disclosures made by the deceased and she died due to cancer. Allegations made

by Mangalbai against the present Petitioners are very vague in nature. In view of the aforesaid circumstances, this Court holds that relief needs to be granted to the Petitioners. In the result, the following order is passed:

ORDER

- I. The petition is allowed.
- II. Relief is granted in terms of prayer clause (B).
- III. Rule is made absolute in those terms.

[SMT. VIBHA KANKANWADI, J.]

[T. V. NALAWADE, J.]

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