

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

CRIMINAL WRIT PETITION NO. 907 OF 2018

1. Acchyut S/o. Ajinath Golhar,
Age : 33 years, Occu. Agril.,
R/o. Ashti, Tq. Ashti, Dist. Beed.
2. Minakshi W/o. Ajinath Golhar,
Age : 50 years, Occu. Pensioner,
R/o. Ashti, Tq. Ashti, Dist. Beed.
3. Gangadhar S/o. Maroti Golhar,
Age : 40 years, Occu. Agril.,
R/o. Imangaon, Tq. Ashti,
Dist. Beed.
4. Ashwini W/o. Vaibhav Palave,
Age : 30 years, Occu. Household,
R/o. Mehakari, Tq. & Dist. Ahmednagar.
5. Nandu S/o. Sopan Rakh,
Age : 46 years, Occu. Household,
R/o. Raygad Colony, Beed,
Tq. & Dist. Beed.
6. Sukanya D/o. Sopan Rakh,
Age : 26 years, Occu. Education,
R/o. Raygad Colony, Beed,
Tq. & Dist. Beed.

... PETITIONERS
(Orig. Accused)

VERSUS

1. The State of Maharashtra,
Through the Police Station Officer,
Ashti Taluka Police Station,
Taluka Ashti, Dist. Beed.

2. Girja W/o. Acchyut Golhar,
Age: 30 years, Occu. Household,
R/o. Ganeshwadi, Tq. Sonai,
Dist. Ahmednagar.
C/o. Vitthal Eknath Bade,
R/o. Ganeshwadi, Tq. Sonai,
Dist. Ahmednagar.
Mobile No.9607279237.

... **RESPONDENTS**
(Res. No.2 Org. Complainant)

...
Mr. Shashikant Eknath Shekade, Advocate for Petitioners.
Mrs. V. S. Choudhari, APP for Respondent No.1 / State.
Mr. N. S. Takale, Advocate for Respondent No.2.
...

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

DATE : 20th August, 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 Articles 226 and 227 of the
Constitution of India and also under Section 482 of the Code of
Criminal Procedure for relief of quashing of FIR No.105 of 2018,
registered with Ashti Police Station, District Beed, for the offences

punishable under Sections 498-A, 323, 504 read with 34 of the Indian Penal Code.

3 Both the sides are heard.

4 Respondent No.2, Smt. Girja was given in marriage to Applicant No.1, Acchyut on 29th December, 2014. It is the contention of Complainant that after marriage, she went to Pune to cohabit with the husband. She has made allegations that as she had married at Alandi and behind the back of the relatives of husband, the mother of the husband namely Minakshi and Gangadhar, uncle of the husband said that they would not recognize the marriage and the marriage needs to be performed as per the Hindu rites and customs. They also wanted some dowry amount.

5 The Complainant has made allegations that the relatives on parent side performed marriage of the Complainant as per the desire of the Accused persons on 21st April, 2015 and dowry of Rs.1,00,000/- and some ornament was given. Allegations are made that even after performing the marriage as per the desire of the Accused, they were not happy and they started asking her to bring

Rs.1,00,000/- from her maternal uncle. It is her contention that her maternal uncle had spend on marriage ceremony and he was not in a position to meet new demands.

6 Allegations are made in the complaint against Gangadhar that he took her to Imangaon and there she was harassed and also assaulted. She has made allegations that on one occasion, her mother-in-law, sister of mother-in-law and daughter of sister of mother-in-law assaulted her by saying that their demand was not met with. It is her contention that ultimately all the Accused drove her out of the matrimonial house on 25th March, 2016.

7 The submissions made and record show that the husband filed divorce proceeding against the Complainant on 26th July, 2017. FIR came to be given on 2nd April, 2018. Some record is produced to show that Applicant No.2, mother of the husband, is suffering from cancer and that record is of February 2016.

8 If the contents of FIR are seen carefully, it can be said that there are specific allegations as against the husband, his mother and his uncle (Applicant Nos.1 to 3). Applicant No.4 is the married

sister of the husband and she is resident of Mehakari, Tahsil and District Ahmednagar. The husband of Complainant is resident of Ashti, District Beed. Applicant No.5 is the sister of mother of husband and she is resident of Beed proper. Applicant No.6, Sukanya is the daughter of Applicant No.5, she is receiving education and she is also resident of Beed proper. Thus, Applicant Nos.4, 5 and 6 are relatives of the husband, but they have been living separate from the husband. Allegations as against them are vague in nature and it can be said that only to pressurize the husband, who has filed divorce proceeding, all the relatives are mentioned in the FIR. Allegations as against these Applicants are vague and they could not have received any benefit if the so-called demand made by the husband was met with. This Court holds that the relief needs to be granted to Applicant Nos.4, 5 and 6, but not to Applicant Nos.1 to 3. In the result, the following order is passed:

ORDER

- I. The application of Applicant Nos.1, 2 and 3 is dismissed.
- II. The application of Applicant Nos.4, 5 and 6 is

allowed. Relief is granted to them 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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