

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 3821 OF 2016

- 1) Sahebrao s/o. Rangnath Shrungare,
Age : 35 years,
Occupation : Service,
R/o. Kingaon,
Taluka Ahmedpur,
Dist. Latur.
- 2) Rangnath s/o. Shetiba Shrungare,
Age : 95 years,
Occupation : Nil,
R/o. Kingaon,
Taluka Ahmedpur,
Dist. Latur.
- 3) Nanabai w/o. Rangnath Shrungare,
Age : 80 years,
Occupation : Household,
R/o. Kingaon,
Taluka Ahmedpur,
Dist. Latur.
- 4) Shetiba s/o. Rangnath Shrungare,
Age : 46 years,
Occupation : Labour,
R/o. Kingaon,
Taluka Ahmedpur,
Dist. Latur.
- 5) Mahananda w/o. Shetiba Shrungare,
Age : 35 years,
Occupation : Household,
R/o. Kingaon,
Taluka Ahmedpur,
Dist. Latur.
- 6) Vandana d/o. Rangnath Shrungare,
Age : 43 years,

Occupation : Household,
R/o. Kingaon,
Taluka Ahmedpur,
Dist. Latur.

...Applicants

Versus

1) The State of Maharashtra
Through Police Inspector,
Palam Police Station, Parbhani.

2) Kewal w/o. Sahebrao Shrungare,
Age : 20 years,
Occupation : Household,
R/o. Pokharni-Devi,
Taluka Palam,
Dist. Parbhani.

...Respondents

Mr. S. A. Gaikwad h/f Mr. S. V. Dound, Advocate for
applicants.

Mr. A. S. Shinde, Addl. Public Prosecutor, for respondent
No.1 / State.

Mr. A. R. Gaikwad, Advocate for respondent No.2.

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

DATE : 21-09-2018.

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 applicants no.1 to 3.

2. Permission granted. The application stands disposed of as withdrawn to the extent of applicants no.1 to 3.

3. Rule. Rule made returnable forthwith. By consent, heard finally.

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. 111 of 2016, registered with Palam Police Station, Dist. Parbhani, for the offences punishable under Section 498-A, 323, 504, 506 read with 34 of the Indian Penal Code.

5. Respondent No.2 got married to applicant No.1 on 04-06-2014. Applicant No.1 is the husband of respondent No.2, applicants No.2 and 3 are the parents of applicant No.1, and applicants No.4 is brother of applicant No.1 and applicant No.5 is wife of applicant No.4. Applicant No.6 is the sister of applicant No.1.

6. Respondent No.2 – informant has contended that, she was treated properly for about a year at matrimonial home. Applicant No. 1 was serving as clerk with B. C. J. College, Mahagaon Road, Kingaon, Ahmednagar. The authorities of the Institution of College were demanding money for his service and therefore, applicant No. 1 to 3 asked respondent No. 2 to bring amount of Rs.2 lakhs from her parents. She informed the said fact to her parents. Her parents replied that he had incurred loan for her marriage, which was still

outstanding and therefore, they will not be able to give any amount. After she conveyed the said fact to applicants, all the applicants with their common intention, started beating and abusing her on that count. They have driven her out of the house and therefore she was staying with her parents since last year, prior to FIR. There were attempts of compromise, but in vain. Therefore, she has lodged the report.

7. The applicants have contended that, there is delay in lodging FIR. The averments are vague. No date, time and place is mentioned regarding alleged ill-treatment. Applicant had issued notice through Advocate, calling upon her to resume cohabitation on 17-05-2015. She did not reply the same. FIR is the counter-blast to the divorce proceeding filed by applicant No. 1 on 15-12-2015. Applicant No. 2 and 3 are aged 95 and 80 respectively. It is harassment for them to implicate in such offence. Therefore, they have prayed for quashment of the proceeding.

8. Heard learned Advocate Mr. S. A. Gaikwad h/f Mr. S. V. Dound appearing on behalf of applicants, learned Addl. Public Prosecutor Mr. A. S. Shinde and learned Advocate Mr. A. R. Gaikwad, appearing on behalf of respondent No.2. 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 to 3, he prayed for withdrawal of

the application as against them.

9. The application was considered only for the allegations against the applicant No. 4 to 6. No specific role has been attributed against them in respect of offence under Section 498-A of the Indian Penal Code. 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 elders are there. Nothing was demanded by applicants No. 4 to 6 for themselves as per the allegations in the FIR itself. Moreover applicants No. 6 appears to be the married sister of applicant No. 1. She has produced on record her Adhar Card showing that she is resident of Fulenagar from the same village. Residence is separate though from same village. So, it appears that, as a routine all the relatives of the husband have been roped. Under such circumstance relief is required to be granted to the applicants No. 4 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. 4 to 6 is hereby allowed.
- 2) Relief is granted in terms of prayer clause "B" to the applicants No. 4 to 6 only.

3) Application to the extent of applicants No.1 to 3 is hereby disposed of as withdrawn.

4) Rule made absolute in the above terms.

(SMT. VIBHA KANKANWADI)
JUDGE

(T. V. NALAWADE)
JUDGE

vjg/-.