

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD

**CRIMINAL APPLICATION NO. 2018 OF 2018**

- 1) Shamrao Tukaram Samsher,  
Age 44 years, Occupation Service,
- 2) Vimalbai Tukaram Samsher,  
Age 72 years, Occupation Nil,
- 3) Bhavlal Tukaram Samsher,  
Age 37 years, Occupation Labour,

No. 1 to 3 R/o :  
Swaminarayan Mandir, Chandragupt  
Housing Society, Plot No.54,  
Shirpur Tq. Shirpur  
Dist. Dhule.

- 4) Meena Jagannath Ahire,  
Age 37 years, Occupation Nil,
- 5) Jagannath Ambar Ahire,  
Age 60 years, Occupation Retired  
Head Master,
- 6) Rahul Jagannath Ahire,  
Age 31 years, Occupation Service  
Teacher,
- 7) Rakesh Jagannath Ahire,  
Age 30 years, occupation Service  
Teacher,
- 8) Sushma Jagannath Ahire,  
Age 26 years, Occupation Student,

No.4 to 8 R/o. :  
Plot No.28, Chintamani Morya Nagar,  
Dharangaon Tq. Dharangaon  
Dist. Jalgaon.

- 9) Rajani Jagannath Ahire,  
Age 25 years, Occupation Student,  
R/o Behind MJ College, Jalgaon. ...Applicants

Versus

- 1) The State of Maharashtra  
Through Public Prosecutor  
High Court, Aurangabad.
- 2) Jyoti Shamrao Samsheer,  
Age 31 years, Occupation Household,  
R/o 47, Sadichha Society, Surat Bypass,  
Sambhodi Nagar, Sakri Road, Dhule  
Tq. Dist. Dhule. ...Respondents

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Mr. Girish Nagori, Advocate for applicants.  
Mr. S. J. Salgare, Addl. Public Prosecutor, for respondent  
No.1 / State.  
Ms. J. P. Reddy, Advocate for respondent No.2.

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

**DATE : 10-12-2018.**

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 The application stands disposed of as withdrawn to the extent of applicants No.1 to 3.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 proceedings bearing R. C. C. No. 594 of 2013 before Judicial Magistrate First Class, Dhule 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 29-04-2002 at Kusumba, Tal. & Dist. Dhule. Applicant No.1 is the husband of respondent No.2, applicants No.2 is mother, applicants No.3 is brother, applicant No. 4 is sister of applicant No.1. Applicant No.5 is the husband of applicant No.4. Applicant No. 6 to 9 are the children of applicant No. 4 and 5.

6. Respondent No.2 – informant has contended that, at the time of marriage her father had given dowry of Rs. 70,000/- and gold ornaments. After marriage she went to cohabit with her husband. She was treated properly for about 1 month. Thereafter, applicant No. 1 to 5 started harassing her. Applicant No. 4 to 8 used to come to Varshi very often. They used to raise suspicion over her character. Applicants used to say that she is unable to cook food properly. Her husband used to beat her. She did not disclose the harassment to her parents, as they had spent huge amount on her marriage. Applicants got confidence because of her silence and they used to

beat her more by saying that she is unable to conceive. She sustained the harassment for about 4 years. When she was harassed more, she disclosed the said fact to her parents. Her parents had tried to give advice to applicants. Her husband was not doing anything to earn, therefore, she took up a job in a Company at Dahiwad, Tal. Shirpur. She used to reside alone in a rented premises. Her husband and nephews used to come and abuse her. After some days, applicant No. 1 to 3 came to her house and told her that her husband has taken Mahindra Jeep. They will not harass her and therefore, she should come along with them. She believed in their say and went to stay at Dharangaon. However, applicants continued to harass her on the same ground. They started demanding amount of Rs.50,000/- for mitigating loan for vehicle. She was then driven out of the house on 13-05-2013. Therefore, she has lodged the report.

7. The applicants have contended that, there is inordinate delay of about 11 years in lodging FIR. FIR is baseless and concocted. No specific role is attributed to applicant No. 2 to 6. Applicant No. 4 to 9 are residing separately. All of them have been unnecessarily roped in. The charge-sheet does not disclose any offence against applicants. Therefore, they have prayed for quashment of the proceeding.

8. Heard learned Advocate Mr. Girish Nagori appearing on behalf of applicants, learned Addl. Public Prosecutor Mr. S. J. Salgare and learned Advocate Ms. J. P. Reddy, 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 married sister-in-law applicant No.4, her husband applicant No.5 and their children. 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, mother-in-law as well as brother-in-law residing in the same house. 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 9 for themselves as per the allegations in the FIR itself. Moreover applicants No. 4 to 9 are admittedly residing separately at a different place. They are teachers and students. It is to be noted that as per FIR, the harassment started within one month of the marriage which had taken place in 2002. If we calculate the age of applicant No. 6 to 9, then it can be seen that they were minor at that time. Why the minor nephew or niece would harass his/ her aunt? This shows the

mentality of respondent No. 2 to implicated them. So, it appears that, as a routine the relatives of the husband have been roped. It would be a futile exercise to ask them to face the trial. Under such circumstance relief is required to be granted to the applicants No. 4 to 9 by invoking the inherent powers of this Court under Section 482 of the Code of Criminal Procedure. Hence, following order.

**ORDER**

- 1) Application of applicant No. 1 to 3 is disposed of as withdrawn.
- 2) Application of applicant No. 4 to 9 is hereby allowed.
- 3) Relief is granted in terms of prayer clause "A" to the applicants No. 4 to 9 only.
- 4) Rule made absolute in the above terms.

**(SMT. VIBHA KANKANWADI)**  
**JUDGE**

**(T. V. NALAWADE)**  
**JUDGE**

vjg/-.