

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD**

**CRIMINAL WRIT PETITION NO. 791 OF 2010**

1. Prashant Sopan Ghorpade, Age 30 years, Occ. Business.
2. Sopan s/o Vithal Ghorpade - (abated)
3. Kondabai w/o Sopan Ghorpade, Age 56 years, Occ. Household.
4. Praveen s/o Sopan Ghorpade, Age 34 years, Occ. Agriculture.
5. Jaishree w/o Praveen Ghorpade, Age 29 years, Occ. Household, All r/o. Sambhaji Nagar, Netur, Tq. Nilanga, Dist. Latur.
6. Pratibha w/o Abhimanyu Kale, Age 26 years, Occ. Household, R/o. Bolegaon, Tq. Tuljapur, Dist. Osmanabad.

... **Applicants**  
(Ori. accused)

VERSUS

1. The State of Maharashtra,  
Through Secretary,  
Home Department, Mantralaya,  
Mumbai -32.
2. The Superintendent of Police,  
Osmanabad, Dist. Osmanabad.
3. The Police Inspector,  
Tuljapur, Police Station, Dist.  
Osmanabad.

4. Jyoti d/o Madhukar Jagdale,  
Age 25 years, Occ. Household,  
R/o. Ghatshil Road, Near Gawade  
Building, Tuljapur, Tq. Tuljapur,  
Dist. Osmanabad

... **Respondents**  
(Respondent No. 4 is  
original complainant).

...

Advocate for Applicants : Mrs. M.D. Thube-Mhase.

APP for respondents No. 1 to 3 : Mr. S.J. Salgare.

Advocate for Respondent No. 4 : Mr. K.R. Gavhane.

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

**DATE : 06<sup>th</sup> July, 2018.**

**JUDGMENT ( PER K.L. WADANE, J.) :**

1. Rule. Rule made returnable forthwith. With the consent of the parties, this application is taken up for final disposal.

2. This application is filed by the applicants under the provisions of section 482 of the Code of Criminal Procedure for relief of quashing of charge-sheet bearing No. 79/2007 dated 16.07.2007 from first information report No. I-104/2006, registered with Tuljapur police station, District Osmanabad, for the offences punishable under section 498A, 323, 504, 506 read with section 34 of the Indian Penal Code.

3. Complainant Jyoti Prashant Ghorpade filed a complaint before the Judicial Magistrate First Class, Tuljapur. Applicant No. 1 is husband of the complainant. Applicants No. 2 and 3 are father-in-law and mother-in-law

of the complainant, applicants No. 4 is brother of applicant No. 1, applicant No. 5 is wife of applicant No. 4 and applicant No. 6 is the sister-in-law of the complainant.

4. It is alleged by the complainant that, her marriage took place with applicant No. 1 on 22.05.2005 at village Salgara (Maddi) Tq. Tuljapur. After the marriage the applicants treated well to the complainant for about one month and thereafter started demanding five tolas gold and Rs. 50,000/- for construction of house and for purchasing a tractor and on that count applicants started beating the complainant, they also kept the complainant on starvation and gave physical and mental torture. For the aforesaid demand they drove out the complainant. On 12.04.2006 father of the complainant gave Rs. 10,000/- to applicant No. 1 and on 20.4.2006 Rs. 20,000/- to applicant No. 4 and requested the applicants to give proper treatment to the complainant. It is further alleged that on 05.05.2006 the applicant No. 6 came to the house of complainant and asked that still her father did not fulfill their demand of money and gold and abused the complainant. Applicant No. 6 also instigated applicant No. 1 for giving divorce to the complainant. On 09.05.2006 applicants No. 1, 3 to 6 came at Tuljapur and demanded money to the father of complainant. At that time applicant No. 1 assaulted the complainant by fist and kick blows, applicant No. 1 and 4 assaulted her father by fist and kick blows and applicant No. 3, 5 and 6 assaulted to witness Pratima by chappal. The applicants also threatened to kill the complainant.

With these allegations, offence came to be registered against the applicants/accused for the offences punishable under section 498-A, 323, 504, 506 read with section 34 of the Indian Penal Code.

5. We have heard the arguments of Mrs. Thube-Mhase, learned counsel for the applicants, Mr. S.J. Salgare, learned APP for the respondent No.1 to 3/State and Mr. Gavhane, learned counsel for respondent No. 4.

6. On perusal of the contents of the first information report it appears that specific allegations of demand of money and harassment are made against applicants/accused No. 1 to 5, who are residing jointly. However, it appears that, applicants No. 6, who is sister-in-law of complainant is not residing with applicants No. 1 to 5. It appears that the applicant No. 6 is residing at Bolegaon Tq. Tuljapur. Allegations against the applicant No. 6 are that she along with other applicants/accused demanded money to the complainant and instigated the applicant No. 1 to give divorce to the complainant. It is also allegations against applicant No. 6 that she along with other accused assaulted the witness Pramita. But those allegations appear to be vague and general in nature, as the applicant No. 6 is not residing with the applicants No. 1 to 5. Therefore prima-facie it appears that applicant No. 6 has no direct concern with alleged illtreatment, demand of money and threat to complainant. Hence to prevent the abuse of process of law, we find that discretion needs to be exercised in respect of applicant No. 6. Hence, following order:

**ORDER**

1. Application of applicant No. 6 Pratibha w/o Abhimanyu Kale is allowed. Relief is granted to her in terms of prayer clause 'B'.
2. Application of applicants No. 1, 3 to 5 stands rejected.
3. Application of applicant No. 2 stands disposed of as abated.
4. Rule is made absolute in favour of applicant No. 6 only.
5. Amount of Rs. 3000/- (Rs. Three thousand only) is to be paid to the appointed counsel through legal aid.
7. Criminal Application is disposed of accordingly.

**(K. L. WADANE, J.)**

**(T.V.NALAWADE, J.)**

mkd