

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

CRIMINAL APPLICATION NO. 2187 OF 2018

Kasturabai s/o Vilasrao Solanke,
Age- 68 years, Occupation – Household,
R/o. Samta Colony, Majalgaon,
Dist. Beed.

... APPLICANT
[Accused No.4]

VERSUS

1] The State of Maharashtra,
Through Police Station
Majalgaon (City), Dist. Beed.

2] Manohar s/o Sahebrao Ghadge,
Age- 61 years, Occupation – Agriculture,
R/o. Kolgaon, Tq. Georai,
Dist. Beed.

... RESPONDENTS
[Respondent No.2 is original informant]

...
Mr. S. J. Salunke, Advocate for Applicant.
Mrs. D. S. Jape, APP for Respondent No.1 / State.
Mr. N. V. Gaware, Advocate for Respondent No.2.
...

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

DATE : 26th September, 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 Section 482 of the Code of Criminal Procedure for relief of quashing of FIR No.179 of 2018, registered with Majalgaon (City) Police Station, District Beed, for the offences punishable under Sections 304-B, 306, 498-A read with 34 of the Indian Penal Code. Relief is also claimed to quash and set aside the charge-sheet to the extent of present Applicant filed in aforesaid crime.

3 The papers of investigation were made available to this Court. Crime is registered on the basis of report given by Manohar, father of deceased. Deceased was given in marriage to Accused No.1, Ankur Arjun Solanke. Deceased cohabited with the husband in the house where the parents of the husband were also living. Present Applicant is the aunt of husband and her house is situated in the vicinity of the house of the husband of deceased.

4 The incident took place on 24th June, 2018 in the matrimonial house. Sadhna, deceased died due to hanging. Postmortem was conducted on 25th June, 2018 between 12:00 noon

and 12:45 pm. FIR was given by the father on the same day and the crime came to be registered at 13:04 hours.

5 The father of deceased has made allegations that there was harassment to the deceased from the husband, parents of the husband and from the present Applicant also as the amount of dowry of Rs.2,00,000/- was not paid by him. Deceased used to disclose about the harassment directly to the father or on phone. It is the contention of the father that the deceased was not allowed to go to her parents house after the birth of a daughter to the deceased. The mother of the deceased wanted to see her as the mother had undergone operation in respect of her eyes.

6 It is not disputed that the present Applicant was not living with the deceased, though she was living in the same locality, which can be seen from the Aadhar card of the Applicant. The Applicant has her own family. Her year of birth is given as 1951 in Aadhar card and thus, she has crossed the age of 65 years.

7 It was submitted for the Applicant that the Applicant had no reason or opportunity to harass the deceased. Some record is

produced to show that the monthly salary of the husband of deceased is more than Rs.48,000/- and he is employed with the State Government. It was submitted that there was some problem with the health of the baby born to the deceased and the problem was detected in June 2017. Record is produced to show that there was no proper growth of fetus. The baby, which was born was not healthy and it was having weight of hardly 1.2 kg. Jaundice was developed to the baby and so from July 2017, the bay was under treatment. The baby was taken to the hospital in August 2017 also. The baby was taken lastly to a doctor in the month of June 2018. It was submitted on the basis of this record that due to these reasons, it was not possible for the deceased to go to her parents house. This circumstance is there, but this circumstance need not be considered in favour of present Applicant as the Applicant was living in separate house with her own family. Allegations made as against the present Applicant are vague in nature. Even if the demand of dowry was met with, there was no question of getting any benefit by the present Applicant. It can be said that the father of the deceased has involved all the relatives of the husband due to the death of Sadhna. It will be misuse of the process of law if the present Applicant is made to face

the trial for the aforesaid offences. In the result, the following order is passed:

ORDER

- I. The application is allowed.
- II. Relief is granted in terms of prayer clause (B), which include quashing of charge-sheet filed against the present Applicant.
- III. Rule is made absolute in those terms.

[SMT. VIBHA KANKANWADI, J.]

[T. V. NALAWADE, J.]

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