

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 2227 OF 2018

- 1) Pravesh s/o Rameshchandra Sharma,
Age 28 years, occupation Labour,
- 2) Rameshchandra s/o Nemichand Sharma,
Age 56 years, Occupation Nil,
- 3) Sow. Hirabai w/o Rameshchandra Sharma,
Age 50 years, Occupation Household,
- 4) Swapnesh s/o Rameshchandra Sharma,
Age 31 years, Occupatiofn Labour,

Applicants No.1 to 4 R/o. Mahavir Nagar,
Fattepur Tq. Jamner Dist. Jalgaon.

- 5) Poonam w/o Rajesh Sharma,
Age 26 years, Occupation Housewife,
R/o. C/o. Rajesh Gopalchandji Sharma,
Near Sant Mira School, Thavariya Bazar,
At and Post Ratlam Dist. Ratlam.
- 6) Shilpa w/o Vijay Sharma,
Age 23 years, occuaption Household,
R/o. C/o. Vijaykumar Rameshchandji
Sharma, At and Post Rupetha Tq. Nagda
Dist. Ujjain.

...Applicants

Versus

- 1) The State of Maharashtra,
Through the Investigation Officer,
Kotwali Police Station,
Dist. Ahmednagar.
- 2) Sow. Meenal w/o Pravesh Sharma,
Age 24 years, occuaption Household,
R/o At Present C/o. Rajendra Sitaram

Sharma, Ajinkya Colony, Bhushan Nagar,
Kedgaon Dist. Ahmednagar.

...Respondents

Mr. R. S. Shinde, Advocate for applicants.

Mr. M. M. Nerlikar, Addl. Public Prosecutor, for respondent
No.1 / State.

Mr. P. B. Waghmare, Advocate for respondent No.2.

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

DATE : 14-12-2018.

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, 2 and 3, after it was pointed out that this Court is not inclined to grant any relief to them.

2. Permission granted. The application stands disposed of as withdrawn to the extent of applicants No.1, 2 and 3.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. 166 of 2018, registered with Kotwali Police Station Dist. Ahmednagar, for the offences punishable under Section

498-A, 323, 504, 506 read with 34 of the Indian Penal Code, and to quash the criminal proceeding arising out of the said crime.

5. Respondent No.2 got married to applicant No.1 on 27-02-2016 at Akshada Garden. Applicant No.1 is the husband of respondent No.2, applicants No.2 and 3 are the parents of applicant No.1, and applicant No.4 is the brother of applicant No.1, applicants No.5 and 6 are married sisters of applicant No.1. Applicant No.1 and respondent No.2 are blessed with one son.

6. Respondent No.2 – informant has contended that, after marriage she went for cohabitation at Fattepur Tq. Jamner Dist. Jalgaon with her husband. All applicants/ original accused treated her properly for one month after marriage. Thereafter they started demanding Rs.5 lakhs for purchase of shop. On that count all applicants – original accused started ill-treating her. They used to abuse her, starve her, drove her out of the house. Thereafter when she informed the ill-treatment to her father, her father brought her at Ahmednagar. Her husband joined her company at Ahmednagar but in the month of February 2017 he went to Fattepur. In the month of November 2017 her father-in-law, brother-in-law and husband visited her father's house and told her that if her father will not fulfill demand of Rs.5 lakhs for purchase of shop, then she should take divorce. At that time they had assaulted her father,

abused and went away. Therefore she has lodged the report.

7. The applicants have contended that, it is a false and concocted story. It is afterthought allegations with only intention to harass them. Details of the events have not been given and they have been kept as vague as possible. No specific role is attributed to applicants No.5 and 6. Applicant No.1 has filed Hindu Marriage Petition for restitution of conjugal rights in the month of March 2018, thereafter respondent No.2 has immediately filed complaint against them on 24-04-2018. Applicant No.4 is brother of applicant No.1 and applicants No.5 and 6 are married sisters of applicant No.1. Therefore, they have no concern with the alleged ill-treatment. Therefore, they have prayed for quashment of the FIR as well as proceeding arising out of the said FIR.

8. Heard learned Advocate Mr. R. S. Shinde appearing on behalf of applicants, learned Addl. Public Prosecutor Mr. M. M. Nerlikar for respondent No.1- State, and learned Advocate Mr. P. B. Waghmare, appearing on behalf of respondent No.2.

9. The application was considered only for the allegations against the applicants No.4, 5 and 6 i.e. brother and married sisters of applicant No.1. Both the sisters are married and reside at their matrimonial home. No specific role has been attributed against them. 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. 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.1, 2 and 3 are hereby disposed of as withdrawn.
- 2) Application of applicants No.4, 5 and 6 is hereby allowed.
- 3) Leave is granted to applicants No.4, 5 and 6 in terms of prayer Clause 'B'.
- 4) Rule is made absolute in those terms.

(SMT. VIBHA KANKANWADI)
JUDGE

(T. V. NALAWADE)
JUDGE

vjg/-.