

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 2268 OF 2018

- 1) Sujeet s/o Shivaji Bolegawe,
Age 30 years, Occupation Agri.,
R/o Kunhali Tq. Omarga
Dist. Osmanabad.
- 2) Shivaji Shankar Bolegawe,
Age 66 years, Occupation Agri.,
R/o as above.
- 3) Kanta w/o Shivaji Bolegawe,
Age 59 years, Occupation Household,
R/o as above.
- 4) Prajkta d/o Shivaji Bolegawe,
Age 25 years, Occupation Service,
R/o as above.

...Applicants

Versus

- 1) The State of Maharashtra,
Through The Police Station,
Cantonment (Chawani) Aurangabad.
- 2) Gitanjali w/o Sujeet Bolegawe,
Age 28 years, Occupation Household,
R/o Police Colony, Padegaon,
Navkaryeash Apartment,
Ramgopal Nagar,
Aurangabad.

...Respondents

Mr. G. J. Kore, Advocate for applicants.

Mr. R. V. Dasalkar, Addl. Public Prosecutor, for respondent
No.1 / State.

Mr. R. U. Hanwate and B. K. Gaikwad, Advocates 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. Permission is granted. The application stands disposed of as withdrawn to the extent of applicants No.1, 2 and 3.

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

3. 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. 121 of 2018, dated 10-06-2018, registered with Cantonment (Chawani) Aurangabad Police Station, for the offences punishable under Section 498-A, 323, 504, 506 read with 34 of the Indian Penal Code.

4. Respondent No.2 got married to applicant No.1 in June 2010 at Sub-Registrar's Office, Osmanabad. Applicant No.1 is the husband

of respondent No.2, applicants No.2 and 3 are the parents of applicant No.1, and applicant is the sisters of applicant No.1. It is not in dispute that, applicant No.1 and respondent No.2 are blessed with one daughter.

5. Respondent No.2 – informant has contended that, after marriage, for about seven months applicants – original accused persons treated her well. Thereafter they started demanding Rs.7 lakhs for business purpose to be brought from her parents. They used to beat her by slaps and used to abuse her. All applicants threatened her to kill. Applicant No.1 and respondent No.2 -informant started residing at Aurangabad about five3 years prior to 10-06-2018. At Aurangabad her husband sold her all gold ornaments and shop situated at Padegaon, and went away. Therefore she has lodged the report.

6. 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.4. She has also filed an application under Domestic Violence Act before Judicial Magistrate First Class at Aurangabad. Since the knowledge of love marriage in respect of applicant No.1 and respondent No.2, applicants No.2 and 3 stopped to speak with

applicant No.1. After the marriage applicant No.1 and respondent No.2 never visited the house of applicants No.2 and 3. Applicant No.4 is unmarried and she is working in private company at Pune. She has completed her engineering education during 2011 to 2014 at Kolhapur. Therefore, she has prayed for quashment of the proceeding.

7. Heard learned Advocate Mr. G. J. Kore appearing on behalf of applicants, learned Addl. Public Prosecutor Mr. R. V. Dasalkar for respondent No.1 – State, and learned Advocate Mr. R. U. Hanwate and B. K. Gaikwad, appearing on behalf of respondent No.2.

8. The application was considered only for the allegations against the sister-in-law of respondent No.2. No specific role has been attributed against applicant No.4. 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 (including applicant No.4) had made the demand in chorus which is not possible when elders are there. She was not residing with respondent No.2 and applicant No.1 in the matrimonial home of respondent No.2. Nothing was demanded by applicant No.4 for herself 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 applicant

No.4 by invoking the inherent powers of this Court under Section 482 of the Code of Criminal Procedure. Hence, following order.

ORDER

- 1) The application of applicants No.1, 2 and 3 is hereby disposed of as withdrawn.
- 2) Application of applicant No.4 Prajakta is hereby allowed. Relief is granted to applicant No.4 in terms of prayer Clause 'B'.
- 3) Rule is made absolute in those terms.

(SMT. VIBHA KANKANWADI)
JUDGE

(T. V. NALAWADE)
JUDGE

vjg/-.