

**IN THE HIGH COURT AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD**

CRIMINAL APPLICATION NO. 5160 OF 2014

1. Durgabai w/o. Motiram Suradkar,
Age 65 years, Occu. Household,
R/o. At Post Dhamangaon Dhad,
Tq. & Dist. Buldhana.
2. Motiram s/o. Rakhmaji Suradkar,
Age 70 years, Occu. Nil,
R/o. As above.
3. Dilip s/o. Motiram Suradkar,
Age 28 years, Occu. Service,
R/o. Karandikar Niwas,
Near Tahasil Office, Buldhana.

....Applicants.

Versus

1. The State of Maharashtra,
Through the Pahur Police Station,
Tq. Jamner, Dist. Jalgaon.
2. Jyoti w/o. Sandip Suradkar,
Age 28 years, Occu. Housewife,
R/o. Wakod, Tq. Jamner,
Jalgaon.

....Respondents.

Mr. K.A. Ingle, Advocate for applicants.

Mr. R.V. Dasalkar, APP for respondent No. 1/State.

Mr. G.J. Karne, Advocate for respondent No. 2.

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

DATED : 07/08/2018.

JUDGMENT : [PER T.V. NALAWADE, J.]

- 1) Rule. Rule made returnable forthwith. By consent, heard
both the sides for final disposal.

2) The learned counsel for first informant submitted that he has no instruction and he may be discharged. That way the counsel cannot be discharged.

3) The proceeding is filed under section 482 of Criminal Procedure Code for relief of quashing of F.I.R. No. 17/2014 registered with Pahur Police Station, Tahsil Jamner, District Jalgaon for offences punishable under sections 498-A, 323, 34 etc. of Indian Penal Code. This Court has carefully gone through the copy of F.I.R. The F.I.R. was given on 1.2.2014 when the marriage had taken place on 24.2.2008. From the marriage the first informant has a daughter aged 5 years and a son aged one month. The husband was employed as Teacher in Zilla Parishad School at Maundhala, Tahsil and District Buldhana. Allegations are made that for getting transfer order of the husband from that place money was required and in laws were harassing her and were asking her to bring Rs.one lakh from her parents. It is her contention that as the demand was not met with, illtreatment was given to him. That was done prior to birth of son. It is her case that after birth of son again illtreatment was started. It is her contention that on 22.5.2010 she had contacted to Women Cell and husband had given undertaken before Women Cell to behave well. It is her contention that subsequently, she got employment as Teacher at Dhamangaon, District Buldhana, but she

lost the service. It is her contention that amount of salary was Rs.21,500/-, but it was taken by her husband and after that again illtreatment was given. It is her allegation that her husband had assaulted her before the parents when demand was not met with.

4) The submissions made show that the stay was granted to the prosecution as against the present applicants parents and others relatives and case was tried as against husband. Copy of judgment of the Trial Court shows that Trial Court acquitted the husband by holding that the allegations were not as against the husband, they were only as against in laws. The contents of the F.I.R. already quoted show that vague allegations are made against in laws and it is the husband who has given undertaking before the Women Cell to behave well and the allegations are made against the husband and he had assaulted the first informant. In view of these circumstances and the decision of acquittal in favour of the husband, nothing can be achieved by asking the present applicants to face the trial for aforesaid offences. In the result, the application is allowed. Relief is granted to them in terms of prayer clause 'C'. Rule is made absolute in those terms.

[K.L. WADANE, J.]

[T.V. NALAWADE, J.]

ssc/