

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL WRIT PETITION NO. 1158 OF 2018

- 1) Ujwala w/o Dhananjay Badgire,
Age 58 years, Occupation Household,
R/o Sonwati Tq. Dist. Latur.
- 2) Satish s/o Vithalrao Badgire,
Age 60 years, Occupation Agri.,
R/o Ring Road, Nanded Road, Latur
Tq. Dist. Latur.
- 3) Sumitra w/o Nagesh Valse,
Age 32 years, Occupation Household,
R/o Vivekanand Chowk, Latur
Tq. Dist. Latur.

...Petitioners

Versus

- 1) The State of Maharashtra.
- 2) Suchita w/o Dilip Badgire,
Age 29 years, occupation Household,
R/o. Sonwati Tq. Dist. Latur.
At Present N-12, Vivekanand Nagar,
HUDCO, Aurangabad.

...Respondents

Mr. T. M. Venjane, Advocate for petitioners.
Mr. A. A. Jagatkar, Addl. Public Prosecutor, for respondent
No.1/ State.
Mr. R. C. Bramhankar, Advocate (Appointed) for respondent
No.2.

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

DATE : 12-12-2018.

ORAL JUDGMENT : (Per SMT. VIBHA KANKANWADI, J.)

1. At the outset, learned Advocate for the petitioners seeks permission to withdraw the petition to the extent of petitioner No. 1 Ujwala, after it was pointed out that this Court is not inclined to grant any relief to her.

2. Permission granted. The petition stands disposed of as withdrawn to the extent of petitioner No.1 Ujwala.

3. Learned counsel for the petitioners seeks permission to amend the prayer clause and to correct the name of petitioner No.3.

4. Permission granted.

5. Amendment be carried out immediately.

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

7. Present petition has been filed by original accused persons invoking the inherent powers of this Court under Article 226, 227 of the Constitution of India and under Section 482 of Code of Criminal Procedure, in order to quash the First Information Report vide Crime No. 317 of 2015, registered with CIDCO Police Station, Aurangabad, for the offences punishable under Section 498-A, 323, 504 read with 34 of the Indian Penal Code, and also to quash the charge-sheet bearing No. 140 of 2015 filed before learned Judicial Magistrate First

Class, Aurangabad arising out of the said crime.

8. Respondent No.2 got married with one Dilip on 20-02-2014. Petitioner No.1 is mother-in-law of respondent NO.2, petitioner No.2 is cousin father-in-law of respondent No.2 and petitioner No.3 is cousin sister-in-law of respondent No.2.

9. Respondent No.2 contended that, her parents gave Rs.9,50,000/- lakh dowry in the marriage. After four days of the marriage her husband, in-laws, cousin father-in-law and cousin sister-in-law started ill-treating her. The petitioners and other family members started demanding money for purchase of plot, therefore her parents gave Rs.1,50,000/- on 24-08-2014. Thereafter in the month of September her husband asked her to bring Rs.25,00,000/- for construction of house. At that time she told him that, her father is unable to fulfill his demand. At that time her husband, mother-in-law and cousin father-in-law abused her, her husband assaulted her and in the month of November 2014 her husband drove her out of the house. Therefore, informant went to Mahila Takrar Nivaran Kendra and made attempt to have a compromise but it failed, and therefore she has lodged the report.

10. The petitioners 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 petitioners No.2 and 3. Therefore, they have prayed for quashment of the FIR and proceeding arising out of the same.

11. Heard learned Advocate Mr. T. M. Venjane appearing on behalf of petitioners, learned Addl. Public Prosecutor Mr. A. A. Jagatkar for respondent No.1 – State, and learned Advocate Mr. R. C. Bramhankar, (Appointed) appearing on behalf of respondent No.2.

12. The petition was considered only for the allegations against the petitioners No.2 cousin father-in-law and petitioner No.3 cousin sister-in-law of the respondent No.2. 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 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. Petitioners No.2 and 3 are not residing with petitioner No.1, her son and respondent No.2. Nothing was demanded by petitioners No.2 and 3 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 petitioners No.2 and 3 by invoking the inherent powers of this Court under Section 482 of the Code of Criminal Procedure. Hence, following order.

ORDER

- 1) Petition of petitioner No.1 Ujwala is disposed of as withdrawn.
- 2) Petition of petitioner No.2 Satish and petitioner No.3 Sumitra is allowed.
- 3) Relief is granted to them in terms of prayer Clause 'B' and 'C'.
- 4) Amendment to be carried out in the name of petitioner No.3 to make it to see that she is treated as Suman as mentioned in FIR.
- 5) The fees of appointed counsel is quantified @ of Rs.3,000/- (three thousand) and it is to be paid through High Court Legal Services Authority.
- 6) Rule made absolute in those terms.

(SMT. VIBHA KANKANWADI)
JUDGE

(T. V. NALAWADE)
JUDGE

vjg/-.