

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 2512 OF 2018

- 1) Pornima @ Poonam Manish Kamble,
Age 26 years, Occupation Service,
R/o Tuljabhavani Nagar, Taroda Naka,
Nanded Tq. Dist. Nanded.
- 2) Archana Satyapal Kamble,
Age 38 years, Occupation Household,
R/o Bajrang Nagar, Ambajogai Naka,
Parli (V) Tq. Parli (V) Dist. Beed.
- 3) Jayshree Premkumar Sarode,
Age 30 years, Occupation Household,
R/o Panchsheel Nagar,
Near Railway Station,
Parli (V) Tq. Parli (V) Dist. Beed.
- 4) Shantabai Ganeshrao Hanmante,
Age 55 years, Occupation Service,
R/o Prafulla Nagar, Bhokar,
Tq. Bhokar Dist. Nanded.

...Applicants

Versus

- 1) The State of Maharashtra
Police Station, Bhokar,
Tq. Bhokar Dist. Nanded
Through its Police Inspector.
- 2) Ashwini Sumedh Hanmante,
Age 27 years, Occupation Household,
R/o Prafulla Nagar, Chikhalwadi
Bhokar Tq. Bhokar Dist. Nanded.

...Respondents

Mr. V. P. Kadam, Advocate for applicants.
Ms. D. S. Jape, Addl. Public Prosecutor, for respondent No.1 /
State.
Mr. R. B. Narwade Patil, Advocate for respondent No.2.

CORAM : T. V. NALAWADE &

SMT.VIBHA KANKANWADI. JJ.

DATE : 10-12-2018.

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

1. At the outset learned counsel for the applicants seeks permission to amend the prayer clause and to add the prayer of quashment of charge-sheet itself as the charge-sheet is filed.
2. Permission granted.
3. Amendment be carried out immediately.
4. Learned Advocate for the applicants seeks permission to withdraw the application to the extent of applicant No.4.
5. Permission granted. The application stands disposed of as withdrawn to the extent of applicant No.4.
6. Rule. Rule made returnable forthwith. By consent, heard finally.
7. 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. 196 of 2018 dtd. 18-07-2018, registered with Bhokar Police Station, Bhokar, Dist. Nanded for the offences punishable under Section 498-A, 354, 323, 504, 506 read with 34 of the Indian Penal Code.

8. Respondent No.2 got married to one Sumedh Hanmante on 15-07-2016 at Nanded. Applicant No.1 to 3 are the sisters and applicant No. 4 is the mother of husband of respondent No.2.

9. Respondent No.2 – informant has contended that, she has purchased a house from her amount. Thereafter, her father expired. Accused No.1 Sumedh used to reside opposite to her house. He used to talk with her brother. He then put a proposal of marriage to respondent No.2. She was asking him to take permission of his parents and relatives. He used to tell her that he loves her, they would marry and reside in a big house separately. She was refusing her proposal. However, he gave threat to commit suicide in case of failure on her part to marry him. He used to send her messages and talk her on phone. Ultimately, she agreed to marry him in forced circumstance. They both got married in Registration Office, Nanded. Then Sumedh told her that she should reside with her parents, till his sister gets married. He also told that till then she should not

disclose about their marriage to anyone. She acted accordingly. Thereafter, applicant No.1 got married. She told Sumedh that they should disclose their marriage and reside together. Then the fact was told to their relatives. Therefore, once again their marriage was performed on 26-03-2017 in presence of all the relatives. Her mother had given gifts, gold ornaments and household articles at that time. Thereafter, applicant No. 1 to 4, and Sumedh's brother started saying that Sumedh should not reside with respondent No. 2 with them. They started demanding amount of Rs.4 lakhs for building big house or her mother should give their house in the name of Sumedh. They also started demanding motorcycle. Sumedh also started demanding the amount and articles. They all were harassing her mentally and physically for the fulfillment of the demand. Applicant No.4 used to abuse her in filthy language. Younger brother of Sumedh had outraged her modesty. Husband, mother-in-law and brothers-in-law were demanding amount and harassing her. She had tried to resolve the dispute through relatives but was not successful. She was called by her husband to the class on 18-04-2018 around 6 p. m. She was assaulted severally by husband, mother-in-law and brothers-in-law. She has lodged report about the said incident. After the settlement before Women Cell, she was taken for cohabitation on 17-07-2017. Accused behaved properly with her for 7 days only. Thereafter she was driven out of

the house. She was called in Bhokar Court by accused persons along with mother for settlement. Her husband asked her to give consent for divorce. When she refused, she was assaulted. Accused had tried to strangle her. Her mother was also assaulted. She did not lodge any report due to fear. However, She was again threatened on 11-07-2018 by her husband. Therefore, she has lodged the report.

10. The applicants have contended that, applicant No.1 resides at Nanded and she is serving as clerk in I. T. I., Nanded. Applicants No. 2 and 3 are residing at Parli, Dist. Beed. They were not residing in the matrimonial home of respondent No.2, when she came to reside as per FIR. Applicant No.4 is also serving as Peon in Agriculture Department at Bhokar. Husband of respondent No.2 has filed petition for dissolution of marriage. There is delay in lodging FIR. FIR is based on false and concocted story. They have been added just to harass. Therefore, they have prayed for quashment of the proceeding.

11. Heard learned Advocate Mr. V. P. Kadam appearing on behalf of applicants, learned Addl. Public Prosecutor Ms. D. S. Jape and learned Advocate Mr. R. B. Narwade Patil, appearing on behalf of respondent No.2. When it was pointed out to the learned advocate for the applicants that, this Court is not inclined to grant any relief to applicant No. 4, he prayed for withdrawal of the application as

against her.

12. The application was considered only for the allegations against the married sisters-in-law / applicants No. 1 to 3. No specific role has been attributed against them in respect of offence under Section 498-A of the Indian Penal Code. Whatever allegations have been made it is stated to be done collectively. Only omnibus statements to that effect have been made. There is no statement as to why the married sisters were coming time and again to the house of applicant No. 1. In the normal course, it is expected that those married sisters would be discharging their marital obligations at their matrimonial home. If at all there would have been a demand it would have been mainly by the husband and mother-in-law. Separate allegations have also been made in respect of brothers-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 sisters are not ordinarily residing there. Nothing was demanded by applicants No.1 to 3 for themselves as per the allegations in the FIR itself. Moreover applicants No.1 to 3 are admittedly resident of different places. So, it appears that, as a routine all the relatives of the husband have been roped. It would be a futile exercise to ask applicants No.1 to 3 to face the trial with such kind of allegations. Under such circumstance relief is required to be granted to the applicants No.1 to 3 by invoking the inherent powers of this Court

under Section 482 of the Code of Criminal Procedure. Hence, following order.

ORDER

- 1) Application of applicant No.4 Shantabai is disposed of as withdrawn.
- 2) Application of applicants No.1 to 3 is hereby allowed.
- 3) Relief is granted in terms of prayer clause "B" to the applicants No.1 to 3 only.
- 4) Permission is granted to amend the prayer clause "B" to add the relief of quashing of case itself. Amendment be carried out immediately.
- 5) Rule made absolute in the above terms.

(SMT. VIBHA KANKANWADI)
JUDGE

(T. V. NALAWADE)
JUDGE

vjg/-.