

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD.
CRIMINAL APPLICATION NO. 5575 OF 2014**

- 1) Manoj s/o Paraji Lokhande,
Age 31 years, Occ. Business,
R/o. 302, Malkhare Vihar,
Bhausingpura, Aurangabad.
- 2) Anusaya w/o Paraji Lokhande,
Age 60 years, Occ. Household,
R/o. As above.
- 3) Paraji s/o Abaji Lokhande,
Age 65 years, Occ. Business,
R/o. As above.
- 4) Advocate Santosh s/o Paraji
Lokhande, Age 34 years, Occ.
Legal Practitioner, R/o. As above.
- 5) Shubhangi w/o Santosh Lokhande,
Age 31 years, Occ. Household,
R/o. As above.
- 6) Vaishali d/o Paraji Lokhande,
Age 29 years, Occ. Service,
R/o. Kothrud, Pune.
- 7) Ashwini d/o Paraji Lokhande,
Age 23 years, Occ. Service,
R/o. Kothrud, Pune.

... **Applicants**
(Original accused)

VERSUS

- 1) The State of Maharashtra.
Through Police Inspector,
Sadar Bazaar, Jalna Police
Station, Tq. & Dist. Jalna.

- 2) Sheetal w/o Manoj Lokhande,
Sage 25 years, Occ. Household,
R/o. Plot No. 91/A, Vasundhara
Colony, Near Ganpati Temple,
New Mondha Road, Jalna,
Tq. & Dist. Jalna.

... **Respondents.**

(respondent No. 2 is original
complainant)

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Advocate for Applicants : Mr. R.L. Chabda.
APP for respondent No. 1/State : Mrs. D.S. Jape.
Advocate for respondent No. 2 : Mr. K.B. Jadhav.

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

DATE : 26th JULY, 2018.

JUDGMENT (PER K.L. WADANE, J)

1. Rule. Rule made returnable forthwith. With the consent of the parties, this application is taken up for final hearing.
2. This application is filed by the applicants/original accused under the provisions of section 482 of the Code of Criminal Procedure for relief of quashing the first information report No. 310/2014 registered with Sadar Bazaar, police station, Jalna, for the offences punishable under section 498A of the Indian Penal Code and under section 3 and 4 of the Dowry Prohibition Act.
3. The brief facts of the case may be stated as follows:

(i) The applicant No. 1 is the husband of respondent No. 2 /original complainant . Applicants No. 2 and 3 are mother and father of applicant No. 1. The applicants No. 4 is brother of applicant No. 1, whereas applicant No. 5 is wife of applicant No. 4. The applicants No. 6 and 7 are unmarried sisters of applicant No. 1.

(ii) Respondent No. 2/original complainant lodged complaint on 13.08.2014 by alleging that, her marriage performed with applicant No. 1 Manoj on 09.02.2011. In the marriage her father gave Rs. 40 lakh as dowry and 15 tolas gold. After marriage the applicants treated her well for about three months. Thereafter the applicants started illtreating her by saying that the complainant do not know the household work, she always came with empty hands from her parental house. Applicant No. 1 at the instigation of other applicants illtreated the complainant. Applicants No. 3 and 4 abuses her and applicants No. 2 and 5 were not providing food to the complainant. Applicants No. 6 and 7 were also abusing the complainant. The complainant has filed complaint against applicant No. 4 under section 354 of the Indian Penal Code, therefore, the applicants drove her out. The applicants also demanded Rs. 25 lakh for construction of house and on that count they illtreated the complainant. With these allegations, offence came to be registered

against the applicants for the offences punishable under section 498-A of the Indian Penal Code and under section 3 and 4 of the Dowry Prohibition Act.

4. We have heard the arguments of Mr. Chabda, learned counsel for the applicants, Mrs. Jap, learned APP for the respondent No.1/State and Mr. Jadhav, learned counsel for respondent No. 2.

5. On perusal of the contents of the first information report and statement of witnesses it appears that specific allegations of illtreatment, demand of money and assault are made against applicants No. 1 to 4. The allegations against the applicants No. 5 to 7 are vague and general in nature. No specific instance or particular act alleged or quoted in first information report against the applicants No. 5 and 7. It also appears that applicant No. 6 and 7 are residing at Pune. Therefore, prima-facie it appears that there is no force in the allegations of the complainant made against the applicants No. 5 to 7.

6. In view of the above and on perusal of the first information report as well as statement of witnesses it also appears that there is no material particular quoting any specific incident of visit or about illtreatment or harassment at the hands of applicants No.5 to 7 so as to attract the ingredients of section 498-A of the Indian Penal Code or

other offences as alleged by the complainant. The complainant has made vague and general allegations against the applicant No. 5 to 7. Hence to prevent the abuse of process of law, we find that discretion needs to be exercised in respect of applicants No. 5 to 7. Hence, following order:

ORDER

1. Application of applicant No. 5 Shubhangi Santosh Lokhande, applicant No. 6 Vaishali d/o Paraji Lokhande and applicant No. 7 Ashwini d/o Paraji Lokhande is, allowed. Relief is granted to them in terms of prayer clause 'B'.
2. Rule is made absolute in those terms.
7. Criminal application is disposed of.

(K. L. WADANE, J.)

(T.V.NALAWADE,J.)

mkd/-