

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,  
AURANGABAD BENCH, AT AURANGABAD.**

**Criminal Application No. 05609 of 2014**

District : Beed

1. Sanjay s/o. Abhimanyu Waghmare,  
Age : 30 years,  
Occupation : Agriculture.
2. Abhimanyu s/o. Dynoba Waghmare,  
Age : 56 years,  
Occupation : Service.
3. Sushila w/o. Abhimanyu Waghmare,  
Age : 41 years,  
Occupation : Household.  
  
All R/o. Kesapuri Camp,  
Taluka Majalgaon, Dist. Beed.
4. Aashabai Dyanoba Waghmare @  
Ashabai w/o. Mahadev Adagale,  
Age : 36 years,  
Occupation : Household.
5. Mahadev s/o. Baburao Adagale,  
Age : 39 years,  
Occupation : Service.  
  
Both R/o. Devkheda,  
Taluka Majalgaon,  
District Beed.
6. Usha @ Sonal Dyanoba Waghmare,  
Age : 34 years,  
Occupation : Service,  
R/o. 205, Narmad Nagar,  
Athwalines, Surat,  
Dist. Surat (Gujrat).
7. Arjun s/o. Dyanoba Waghmare,  
Age : 43 years,  
Occupation : Agriculture.

8. Ankush s/o. Dyanoba Waghmare,  
Age : 49 years,  
Occupation : Agriculture.

9. Damodar s/o. Dyanoba Waghmare,  
Age : 41 years,  
Occupation : Agriculture.

All R/o. Devkheda,  
Taluka Majalgaon,  
District Beed.

10. Neeta w/o. Abhiman Waghmare,  
Age : 31 years,  
Occupation : Service,  
R/o. Balepeer,  
Taluka & Dist. Beed.

11. Aniket s/o. Abhimanyu Waghmare,  
Age : 18 years,  
Occupation : Education,  
R/o. Kesapuri Camp,  
Taluka Majalgaon,  
Dist. Beed.

.. Applicants  
(Original  
accused  
nos.04 to 07)

**versus**

1. The State of Maharashtra,  
Through Police Station Officer,  
Police Station, Beed.

2. Rohini w/o. Sanjay Waghmare,  
Age : 25 years,  
Occupation : Service,  
R/o. C/o. Mr. Mahadev Jagde,  
Subhash Road, Malives, Beed,  
Taluka & Dist. Beed.

.. Respondents  
(No.02 -  
Original  
complainant)

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*Mr. Mohit R. Deshmukh, Advocate, for the applicants.*

*Mr. P.V. Diggikar, Additional Public Prosecutor, for  
respondent no.01.*

*Mr. N.M. Chandanshive, Advocate, holding for  
Mr. A.L. Kanade, Advocate, for respondent no.02.*

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

**DATE : 11TH OCTOBER 2018**

**JUDGMENT** *[Per Smt. Vibha Kankanwadi, J.] :*

01. 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. 25 of 2013, registered with Beed City Police Station, Beed, and the charge-sheet vide RCC No. 170 of 2013 pending before Learned Judicial Magistrate (First Class), Beed, for the offences punishable under Section 498-A, 323, 504, 506 read with 34 of the Indian Penal Code.

02. Respondent No.2 got married to applicant No.1 in 2011 at Majalgaon. Applicant No.1 is the husband of respondent No.2, applicants No.2 and 3 are the parents of applicant No.1, and applicants No.4 is sister of applicant No.1 and applicant No.5 is husband of applicant No.4. Applicant No.6 is the sister of applicant No. 2 (paternal aunt of applicant No. 1) and applicant No. 7 is her husband. Applicant No. 8 and 11 are the brothers of applicant No.1. Applicant No. 9 is the brother of applicant No. 2 (uncle of applicant No. 1). Applicant No. 10 is the sister of applicant No. 1.

03. Respondent No.2 – informant has contended that, her father had given household articles at the time of marriage. She went to Devkheda to cohabit with husband. She was residing with her husband, parents-in-law, brother-in-law and three sisters-in-law. She was treated properly for about 6 months by all of them. Thereafter they started saying that why she has not brought fridge, gold. Applicant No. 1 started saying that he want to start shop of Netcafe as well as cloth. He want to purchase motorcycle. He then started demanding amount of Rs.1,50,000/- from respondent. They used to abuse her, keep her starved, and assault her. They had tried to put her to fire. Respondent No. 2 had given information to her father and maternal aunt. She went to her father's house and continued the education. She joined service at Sub-District Hospital, Kej. She resided with her husband in a rented room, there for about 4 months. She could not get salary and then all the accused started harassing her in order to bring amount of Rs.1,50,000/-. She then shifted to Beed and started residing in a rented room with her mother and brother. She goes daily to Kej for service. Applicants No. 1, 2, 5, 7 to 9 came from opposite direction, when informant and her brother had gone for marketing around 2.00 p. m. on 17-12-2013. They told that they want to speak to her. Then after coming close to her, her husband slapped her and all the others abused.

Applicant No. 9 caught hold of her hand and gave threat to kill her. Her brother was also manhandled. Therefore, she has lodged the report.

04. The applicants have contended that, though as per the custom, the marriage has to be performed at the place of girl; the marriage in this case was performed at the place of boy. Respondent No. 2 had started residing with husband and parents-in-laws only. Applicants No. 4 to 10 were not residing with them. They are residing at different places. Respondent No. 2 is serving as Nutritionist since 15.05.2012. Applicant No. 1 was residing with her at the place of her duty, for her convenience. Respondent No. 2 was greedy for money and therefore, compelled to sell 50 R land at the time of marriage. The family members of respondent No. 2 were interfering with the married life of respondent No. 2. The moment respondent No. 2 started getting handsome salary, her behaviour changed. She was not allowing other relatives to join her company. There is delay in lodging FIR. FIR is based on false and concocted story. All the family members are unnecessarily involved. Therefore, they have prayed for quashment of the proceeding.

05. Heard learned Advocate Mr. M. R. Deshmukh appearing on behalf of applicants, learned Addl. Public Prosecutor Ms. P. V. Diggikar and learned

Advocate Mr. N. M. Chandanshive h/f. Advocate Mr. A. L. Kanade, appearing on behalf of respondent No.2. It will not be out of place to mention here that, this Court vide order dt. 14-10-2014 had rejected the relief / dismissed the application as against applicants No. 1, 2, 5, 7 to 9.

06. The application was considered only for the allegations against the married sister-in-law applicants No. 3, 4, 6, 10 and 11 only. No specific role has been attributed against them in respect of offence under Section 498-A of the Indian Penal Code. Voluminous documents have been produced by them to show that they are ordinarily residing at different places than the village of applicants No. 1 to 3. Respondent No. 2 has made allegations against all the applicants that they were demanding amount of Rs.1,50,000/-. If at all there would have been a demand, it would have been mainly by the husband and the father-in-law 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, when elders are there. Nothing was demanded by applicants No.5 and 6 for themselves as per the allegations in the FIR itself. Moreover when applicants No. 4, 6 and 10 have produced on record the documents of separate residence, then it would be highly impossible to harass respondent No. 2, frequently. Applicant No. 11, though resides with applicant No. 1

to 3, he was aged 18 at the time of filing of application. He would have been minor when marriage between applicant No. 1 and respondent No. 2 had taken place. Why he would join the elders in demand? How he can harass respondent No. 2 in order to fulfill the demand. So, it appears that, as a routine all the relatives of the husband have been roped. It would be futile exercise to ask these applicants to face the trial. Under such circumstance, relief is required to be granted to the applicants No. 3, 4, 6, 10 and 11 by invoking the inherent powers of this Court under Section 482 of the Code of Criminal Procedure.

07. Hence, the following order.

(a) The application is partly allowed.

(b) The first information report in Crime No. 25/2013, dated 17.02.2013, registered with Beed Police Station, Charge sheet bearing No. 31/2013 and further proceedings in Regular Criminal Case No. 170 of 2013, pending before Judicial Magistrate (F.C.) / Chief Judicial Magistrate, Beed, for offences punishable under Sections 498A, 323, 504, 506, read with Section 34 of the Indian Penal Code, to the extent of applicant nos.03 Sushila, 04 Aashabai, 06 Usha @ Sonal, 10 Neeta and 11 Aniket, are quashed and set aside.

(c) The application to the extent of applicant nos.01

Sanjay, 02 Abhimanyu, 05 Mahadev, 07 Arjun, 08 Ankush  
and 09 Damodar, is hereby dismissed.

(d) Rule made absolute in the above terms.

**( Smt. Vibha Kankanwadi )**  
**JUDGE**

**( T.V. Nalawade )**  
**JUDGE**

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