

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 2689 OF 2018

- 1) Sanjeevani d/o Ramesh Jadhav,
@ Sanjeevani w/o Parshuram @
Purushottam Lohar,
Age 36 years, Occupation Service,
R/o Government ITI, Nanded,
Tq. Dist. Nanded.
- 2) Vijay s/o Ramesh Jadhav,
Age 34 years, Occupation Student,
R/o House No.42,
Samarth Nagar, Adgaon, Nashik
Tq. Dist. Nashik.
- 3) Sarja Ramesh Jadhav,
Age 62 years, Occupation Retired,
R/o House No.42,
Samarth Nagar, Adgaon, Nashik
Tq. Dist. Nashik.
- 4) Sandhya Ramesh Jadhav,
Age 42 years, Occupation Service,
R/o Government ITI Aundh, Pune
Tq. Dist. Pune.
- 5) Janvi w/o Mahendra Jadhav,
Age 33 years, Occupation Household,
R/o HAL Ozhar, Ozhar Town Ship,
Nashik.
- 6) Mahendra s/o Ramesh Jadhav,
Age 39 years, Occupation Service,
R/o HAL Ozhar, Ozhar Town Ship,
Nashik.

...Applicants

Versus

1) The State of Maharashtra,
Through The Investigation officer,
In Crime No. 182 of 2018, registered with
Manwat Police Station, Manwat,
Dist. Parbhani.

2) Megha w/o Vijay Jadhav,
Age 27 years, Occupation Household,
R/o Near Gajanan Mandir, Manwat
Tq. Manwat Dist. Parbhani.

...Respondents

Mr. D. A. Mane and P. A. Bharat, Advocate for applicants.

Ms. V. S. Choudhary, Addl. Public Prosecutor, for respondents
No.1/ State.

Mr. G. K. Muneshwar, Advocate for respondent No.2.

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

DATE : 23-10-2018.

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

1. At the outset, learned Advocate for the applicants seeks permission to withdraw the application to the extent of applicants No.2 and 3, when this Court expressed that this Court is not inclined to grant any relief to them.

2. Permission granted. The application stands disposed of as withdrawn to the extent of applicants No.2 and 3.

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

4. 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. 182 of 2018, registered with Manwat Police Station Dist. Parbhani, for the offences punishable under Section 498-A read with 34 of the Indian Penal Code.

5. It is not in dispute that, respondent No.2 got married to applicant No.2 on 10-12-2018 at Ozhar. There is no issue born to them. Applicant No.1 and 4 are sister-in-laws of respondent No.2, applicant No.6 is brother-in-law of respondent No.2, applicant No.5 is wife of applicant No.6 and applicant No.2 is husband and applicant No.3 is mother-in-law of respondent No.2.

6. Respondent No.2 – informant has contended that, one month after marriage, applicants have treated her well. Thereafter her husband used to tell her that she is not good looking, she does not prepare meal properly, her father had given old utensils in the marriage. He started ill-treating her on that count. Other applicants used to instigate the applicant No.2. Her husband asked her to bring Rs.90,000/- for admission in the class. Her brother-in-law and his wife also used to ill-treat her and used to tell her she does not good looking. Her mother-in-law left her at her maternal home at Manwat on 06-01-2018. Since then she is residing at Manwat at her maternal home.

7. The applicants have contended that, it is a false and concocted story. Since the marriage of respondent No.2 with applicant No.2, they along with applicant No.3 (mother of applicant No.2) were residing in a rented house at Nashik. Respondent No.2 resided with applicant No.2 at Nashik for 25 days only. Applicant No.6 is brother-in-law of respondent No.2 and residing at his service place i.e. Ozhar with his wife applicant No.5. Applicant No.1 is a married sister-in-law of respondent No.2 and discharging her duties as professor at ITI College, Nanded and she resides at Nanded. Applicant No.4 is unmarried sister-in-law of respondent No.2 who is in service as Professor in ITI College, Aundh, Pune and she used to reside at Aundh, Pune. The FIR is lodged with ill-motive to harass applicants. Therefore, they have prayed for quashment of the proceeding.

8. Heard learned Advocate Mr. D. A. Mane and Mr. P. A. Bharat appearing on behalf of applicants, learned Addl. Public Prosecutor Ms. V. S. Choudhary for respondent No.1- State and learned Advocate Mr. G. K. Muneshwar, appearing on behalf of respondent No.2.

9. The application was considered only for the allegations against the married sister-in-law, unmarried sister-in-law, brother-in-law and his wife who are residing at their service places. 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 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.1, 4, 5 and 6 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. It would be futile exercise to ask them to face trial. Under such circumstance relief is required to be granted to the applicants No.1, 4, 5 and 6 by invoking the inherent powers of this Court under Section 482 of the Code of Criminal Procedure. Hence, following order.

ORDER

- 1) The application to the extent of applicants No.2 and 3 is disposed of as withdrawn.
- 2) The application of applicants No.1, 4, 5 and 6 is hereby allowed.
- 3) Relief is granted to applicants No. 1, 4, 5 and 6 in terms of prayer clause "B".
- 4) Rule made absolute in the those terms.

(SMT. VIBHA KANKANWADI)
JUDGE

(T. V. NALAWADE)
JUDGE