

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

CRIMINAL APPLICATION NO. 5438 OF 2015

- 1) Govind s/o Marutirao Narangale,
Age 48 years, Occ. Service,
R/o. Swami Vivekanand Nagar,
Near Farande Nagar, Wadi (Bk)
Road.
- 2) Vijaykumar s/o Sadashivrao Dinde,
Age 40 years, Occ. Service,
R/o. Hunmunda, Tq. Biloli, Dist.
Nanded.
- 3) Smt. Sukeshti w/o Vijaykumar Dinde,
Age 36 years, Occ. Household,
R/o. Hunmunda, Tq. Biloli,
District Nanded.
- 4) Smt. Hema w/o Mahesh Patil, age 30
years, Occ. Household, R/o. Pushpa
Nagar Nanded.

... **Applicants**

(Ori. accused No. 5 to 8)

VERSUS

1. The State of Maharashtra.
Through Police Station
Mudkhed, Dist. Nanded.
2. Smt. Geeta w/o Hanumant Kasralikar,
Age 28 years, Occ. Household,
R/o. C/o. Umakant Ghongade,
Maratha Galli, Mudkhed, Dist.
Nanded.

... **Respondents.**

(respondent No. 2 is original
complainant)

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Advocate for Applicants : Mr. A.S. Kale, h/f Mr. S.B. Talekar and U.R. Awate.
APP for respondent No. 1/State : Mr. R.V. Dasalkar.
Advocate for respondent No. 2 : Mr. B.G. Deshmukh.

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

DATE : 26th June, 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 is an application filed by the applicants/original accused 5 to 8 under the provisions of section 482 of the Code of Criminal Procedure for relief of quashing the first information report bearing Crime No. I-78 of 2015 registered with Mudkhed police station, District Nanded for the offences punishable under section 498-A, 323, 504, 506 read with section 34 and the proceeding bearing Reg. Criminal Case No. 68/2015 pending on the file of Judicial Magistrate First Class Mudkhed, for the offences punishable under section 498-A, 323, 504, 506 read with section 34 of the Indian Penal Code .

3. The brief facts of the case may be stated as follows:

(i) The applicant No. 1 (original accused No. 5) is the maternal uncle of original accused No. 1/ husband of complainant/respondent No. 2. Applicant No. 2 (original accused No. 6) is the husband of applicant No. 3,

and applicant No. 3 and 4 (original accused No. 7 and 8) are the sisters of original accused No. 1.

(ii) The complainant alleged that her marriage took place with accused No. 1 on 03.05.2009. Her husband/accused No. 1 is a lecturer in Lal Bahadur Shastri College, Dharmabad. In the marriage, her parents gave Rs. 9 lakh, gold ornaments, etc. to the accused persons. After marriage complainant resided with accused No. 1 for one month at village Kasrali. Thereafter both of them started residing at Dharmabad. Since then applicants and other accused persons frequently came to her house at Dharmabad and started teasing her by saying that she has an injury mark on back side, below the waist and this fact did not disclose by her father and cheated them and she also doesn't know proper cooking. It is further alleged by the complainant that the applicants and other accused persons asked her that if she wants to reside with them then bring Rs. 7 lakh from her father for purchasing car and for Ph.D. course of her husband (accused No.1) and on that count they started illtreating the complainant. On 2.8.2015 when complainant along with her brother came at Kasarli, applicants and other accused persons abused and assaulted her and her brother by stick, fist and kick blows and drove them out. With these allegations, offence came to be registered against the applicants and other accused for the offences

punishable under section 498-A, 323, 504, 506 read with section 34 of the Indian Penal Code.

4. We have heard the arguments of Mr. Kale, learned counsel for the applicants, Mr. Dasalar, learned APP for the respondent No.1/State and Mr. Deshmukh, learned counsel for respondent No. 2.

5. On perusal of the contents of the first information report it appears that specific allegations of illtreatment, demand of money and harassment are made against husband/original accused No. 1. The allegations against the applicants are vague and general in nature. On perusal of record it appears that the applicants No. 1 and 2 are residing at Nanded and applicants No. 3 and 4 are residing at Hunmunda Tq. Biloli and the complainant and her husband were residing at various places i.e. at Kasrali, Dharmabad and Parbhani. So the allegations against the applicants that they frequently visited the house of complainant and caused illtreatment to her, appears to be doubtful.

6. It also appears from record that there is series of cases between the complainant and original accused No. 1. The complainant has filed proceeding under Domestic Violence Act; whereas, the original accused No. 1 has filed petition for divorce petition. So prima-facie on perusal of record, it appears the complainant has filed present complaint only to harass the applicants.

6. On perusal of the first information report 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, so as to attract the ingredients of section 498-A of the Indian Penal Code or other offences as alleged by the complainant. The allegations made in the complaint against the applicants are vague and general in nature. Hence to prevent the abuse of process of law, we find that discretion needs to be exercised in respect of applicants No. 1 to 4. Hence, following order:

ORDER

1. Application is allowed.
2. Relief is granted in terms of prayer clause 'B' to the extent of present applicants.
7. Criminal Application is disposed of accordingly.
8. Rule is made absolute in the above terms.

(K. L. WADANE, J.)

(T.V. NALAWADE, J.)

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