

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 6562 OF 2014

- 1) Gavlanbai w/o Eknath Tupare,
Age 65 years, Occupation Household,
R/o Vidhaya Nagar Barshi Road, Beed
Tq. Dist. Beed.
 - 2) Eknath s/o Dharmaji Tupare,
Age 75 years, Occupation Retired,
R/o Vidhya Nagar Barshi Road,
Beed Tq. Dist. Beed.
 - 3) Uday s/o Eknath Tupare,
Age 32 years, Occupation Advocate,
R/o Vidhya Nagar Barshi Road,
Beed Tq. Dist. Beed.
 - 4) Savita w/o Sanjay Sonawane,
Age 45 years, Occupation Service,
R/o Raigad Colony, Dhanora Road,
Beed Tq. Dist. Beed.
 - 5) Pradnya w/o Mahendra Hajare,
Age 43 years, Occupation Service,
R/o Bhakti Construction Nagar
Road, Beed Tq. Dist. Beed.
 - 6) Jagruti w/o Sadashiv Gaysamudare,
Age 40 years, Occupation Service,
R/o Silk Milk Colony Paithan Road,
Aurangabad Tq. Dist. Aurangabad.
 - 7) Amrapali w/o Kiran Kamble,
Age 30 years, Occupation Service,
R/o Jay Bhim Nagar, Bhawsingpura,
Aurangabad Tq. Dist. Aurangabad.
- ...Applicants

Versus

- 1) The State of Maharashtra
Through Police Inspector, Police
Station, Majalgaon Tq. Majalgaon
Dist. Beed.
- 2) Sangmitra w/o Uday Tupare,
Age 26 years, Occuaption Household,
R/o Beed At Present Chinchgavan,
Tq. Majalgaon Dist. Beed. ...Respondents

Mr. A. R. Gaikwad, Advocate for applicants.
Ms. V. S. Choudhary, Addl. Public Prosecutor, for respondent
No.1 / State.
Mr. S. J. Salunke, Advocate for respondent No.2.

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

DATE : 26-09-2018.

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

1. At the outset learned advocate Mr. A. R. Gaikwad appearing on behalf of the applicants seeks permission to withdraw the application to the extent of applicants No.1, 2 and 3.
2. Permission granted. The application stands disposed of as withdrawn, to the extent of applicants No.1, 2 and 3.
3. Learned Advocate for the applicants also seeks leave to amend so as to add the relief of quashing of charge-sheet and proceedings bearing Regular Criminal Case No. 286 of 2015 pending in the Court

of Judicial Magistrate First Class, Majalgaon Dist. Beed, to the extent of applicants No. 4, 5, 6 and 7.

4. Leave is granted. Amendment be carried out forthwith.

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

6. 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. 115 of 2014, registered with Majalgaon Police Station, Majalgaon, for the offences punishable under Section 498-A, 323, 504 read with 34 of the Indian Penal Code and for quashment of the proceeding bearing Regular Criminal Case No. 286 of 2015 pending before Judicial Magistrate First Class, Majalgaon Tq. Majalgaon Dist. Beed pursuant to the said FIR.

7. Respondent No.2 got married to applicant No.3 on 20-11-2011. Applicants No.1 and 2 are the in-laws of respondent No.2, applicants No.3 is the husband of respondent No.2 and applicants No.4 to 7 are sister-in-law of respondent No.2.

8. Respondent No.2 contended that, after marriage her in-laws – applicants No.1 and 2 and four sister-in-laws – applicants No.4 to 7 have not treated her well. Her in-laws used to ill-treat her and used

to abuse her. Her husband used to tell her that, he dislikes her, she is weak. After three months of the marriage, her sister-in-law Jagruti and husband Uday took her to the hospital for sonography to check whether she is pregnant before the marriage. Applicants No.3 uday and 6 Jagruti asked her to bring Rs.2 lakhs for purchase of car. Applicant No. 5 Pradnya kused to abuse her on count of domestic work. Applicant No.7 Amrapali and applicant No.4 Savita forced her to left the job. Both of them also asked her to bring Rs.2 lakhs from her father. Therefore she has lodged the report.

9. The applicants have contended that, it is a false and concocted story. It is afterthought allegations with only intention to harass them. Applicants No.4 to 7 are married sisters of applicant No.3 and they are residing separately from the applicants No.1 to 3, therefore there is no question of ill-treatment at their hands to respondent No.2. Economical condition of applicants No.4 to 7 is sound as all of them are serving in government services on various posts. Therefore, they have prayed for quashment of the proceeding.

10. Heard learned Advocate Mr. A. R. Gaikwad appearing on behalf of applicants, learned Addl. Public Prosecutor Ms. V. S. Choudhary and learned Advocate Mr. S. J. Salunke, 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

applicants No.1 to 3, he prayed for withdrawal of the application as against them.

11. The application was considered only for the allegations against the married sister-in-laws of respondent No.2. 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 father 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.4 to 7 for themselves as per the allegations in the FIR itself. Moreover applicants No.4 to 7 are married sisters of husband of respondent No.2 and they all are government servants and residing at their service places. It appears that, as a routine all the relatives of the husband have been roped. Under such circumstance relief is required to be granted to the applicants No.4 to 7 by invoking the inherent powers of this Court under Section 482 of the Code of Criminal Procedure. Hence, following order.

ORDER

- 1) Application of applicants No.4, 5, 6 and 7 is hereby allowed.
- 2) Relief is granted in terms of prayer clause "B" to the applicants No.4, 5, 6 and 7.

3) Application to the extent of applicants No.1 to 3 is hereby disposed of as withdrawn.

4) Rule made absolute in the above terms.

(SMT. VIBHA KANKANWADI)
JUDGE

(T. V. NALAWADE)
JUDGE

vjg/-.