

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

CRIMINAL APPLICATION NO. 5559 OF 2017

1. Yuvraj S/o. Pandharinath Udamale,
Age: 30 years, Occupation: Primary Teacher,
2. Pandharinath S/o. Bhanudas Udamale,
Age: 48 years, Occupation: Agri.,
3. Rukhamabai W/o Pandharinath Udamale,
Age: 48 years, Occupation: Household,

All above are R/o at Village Khadakat,
Tq-Ashti, Dist-Beed.

4. Archana D/o. Pandharinath Udamale,
Age: 25 years, Occupation: Govt. Servant (Indian Post)
Residing at 203, Yogi Park Society, Dhanakwadi,
Tq. and District Pune.
5. Pooja W/o Shitalkumar Shinde,
Age: 22 years, Occupation: Household,
Residing at Pawarwadi,
Tq. Indapur Dist. Pune.

... **APPLICANTS**

VERSUS

1. The State of Maharashtra,
Through the Police Inspector,
Police Station Shivajinagar, Beed.
2. Supriya W/o. Yuvaraj Udamale,
Aged: 22 years, Occupation: Household,
Residing at Hanumannagar, Shahunagar,
Tq. & District Beed.

... **RESPONDENTS**

...
Mr. Arun S. Shejwal, Advocate for Applicants.
Mr. S. J. Salgare, APP for Respondent No.1 / State.
Mr. A. G. Ambetkar, Advocate for Respondent No.2.
...

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

DATE : 30th August, 2018.

JUDGMENT: (Per T. V. Nalawade, J.)

. Rule. Rule made returnable forthwith. By consent, heard both the sides for final disposal.

2 The proceeding is filed under Section 482 of the Code of Criminal Procedure for relief of quashing of FIR No.460 of 2017, registered with Shivajinagar Police Station, District Beed, for the offences punishable under Sections 498-A, 323, 504, 506, 34 of the Indian Penal Code.

3 The FIR is given by Supriya, wife of Applicant No.1. Applicant No.2 is the father of Applicant No.1, Applicant No.3 is the mother of Applicant No.1 and Applicant Nos.4 and 5 are the married sisters of Applicant No.1 and they are residents of different place.

4 Allegations are made by Supriya that her parents had

spent for marriage, but her husband was not happy with that and he started asking her to bring Rs.2,00,000/- for marriage expenses of his sister. It is her contention that the husband used to give beating to her and used to starve her. Ultimately, she was sent to her parents house on 20th May, 2016. Allegations are made against the husband that on 25th September, 2016, the husband had come to her parents' house and there he had assaulted her. FIR was given on 28th June, 2017. The Applicant has produced some record to show that on 27th May, 2016, report was given by her to police on the basis of which N.C. was registered and in that report, she had made allegations mainly against the husband that he had assaulted her. She had then given in writing to police that out of anger she had given such report and the dispute was settled. She had informed that her husband was in service at other place and he had agreed to take her to that place.

5 The submissions made and record show that present Applicant Nos.4 and 5 are not living in village Khadakat, Tahsil Ashti, District Beed, which is native place of the husband. Record is produced to show that Applicant No.4 was nominated for a post in Postal Department from Pune district and such letter was given to her on 31st March, 2015. Applicant No.5 was given in marriage on 15th

April, 2012. There is ration card showing that Applicant No.5 was cohabiting with the husband at other place and she had no opportunity to play the aforesaid part in the dispute. This Court see no reason to believe first informant in respect of the aforesaid contentions. Possibility of concoction by the first informant cannot be ruled out. Applicant Nos.2 and 3, parents of husband were, however, living with the husband of the first informant. This Court holds that relief can be granted in favour of Applicant Nos.4 and 5 only. In the result, the following order is passed:

ORDER

- I. The application of Applicant Nos.4 and 5 is allowed.
- II. Relief is granted to Applicant Nos.4 and 5 in terms of prayer clause (B).
- III. The application of Applicant Nos.1 to 3 stands rejected.
- IV. Rule is made absolute in aforesaid terms.

[SMT. VIBHA KANKANWADI, J.]

[T. V. NALAWADE, J.]