

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 3116 OF 2018

1) Gorakh s/o Namdeo Surawanshi,
Age 47 years, Occupation Service,
R/o Shashikala Nagar, Hirapur Road,
Chalisgaon Tq. Chalisgaon Dist.Jalgaon.

2) Nalini wd/o Namdeo Surawanshi,
Age 82 years, Occuaption Nil,
R/o Behind Rudra Hanuman Temple,
Hirapur Road, Chalisgaon Tq.
Chalisgaon Dist. Jalgao.

3) Manohar s/o Namdeo Surawanshi,
Age 40 years, Occupation Service,
R/o Dongegaon Tq. Navapur
Dist. Nandurbar.

...Applicants

Versus

1) The State of Maharashtra,
Through the Police Sub Inspector,
Devpur Police Station, Dhule
Tq. dist. Dhule.

2) Sujata w/o Gorakh Surawanshi,
Age 40 years, Occupation Household,
R/o Plot No. 22, gita Nagar, Behind
Panchayat Samiti, Devpur, Dhule
Tq. Dist. Dhule.

...Respondents

Mr. U. S. Patil, Advocate for applicants.

Mr. S. J. Salgare, Addl. Public Prosecutor, for respondent No.1/
State.

Mr. N. B. Suryawanshi, Advocate holding for Mr. S. N.
Suryawanshi, Advocate for respondent No.2.

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

DATE : 19-12-2018.

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 applicant No.1., after it was pointed out that this Court is not inclined to grant any relief to him.

2. Permission granted. The application stands disposed of as withdrawn to the extent of applicant No.1.

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

4. The applicants have invoked the powers of this Court under Section 482 of the Code of Criminal Procedure in order to quash the First Information Report (Hereinafter referred as 'FIR') bearing No. 93 of 2018 dated 09-08-2018, registered with Devpur Police Station, Dhule Tq. Dist. Dhule, subsequently renumbered as FIR No. 93 of 2018 dated 09-08-2018, for the offence punishable under Section 498-A, 323, 504, 506 read with 34 of the Indian Penal Code.

5. It is not in dispute that, the applicant No.1 got married with respondent No.2 on 17-12-2014. Out of the said wedlock, she has

begotten one son and one daughter. Applicant No.2 is mother-in-law and applicant No.3 is brother-in-law of respondent No.2.

6. Respondent No.2 had filed report with the Police Station stating that, after marriage applicant No.1 treated her well for five to seven years. Thereafter he started demanding of Rs.2,50,000/-, to be brought from her mother for purchase of plot. When respondent No.2 told that her mother is unable to fulfill demand, all applicants started ill-treating her. All applicants abused her, assaulted her by slaps and fists, and threatened to kill her. Applicant No.1 drove her out of the house on 25-11-2017. Thereafter, the informant had lodged the FIR.

7. The applicants have contended that, applicant No.2 – mother-in-law of informant is residing separately since marriage of son – applicant No.1. Applicant No.3 brother-in-law initially was working at Pune in private company, then he completed his education at Jalgaon and joined his duty at Dongegaon since 2008. Thus applicants No.2 and 3 are residing separately from applicant No.1, therefore they have no concern with the alleged ill-treatment to the respondent No.2 – first informant. The applicants have contended that, it is a false and concocted story. It is afterthought allegations with only intention to harass them. Details of the events have not been given and they have been kept as vague as possible. No

specific role is attributed to applicants No. 2 and 3. The applicants have therefore prayed for quashing of the FIR filed against them.

8. Heard learned Advocate Mr. U. S. Patil appearing on behalf of applicants, learned Addl. Public Prosecutor Mr. S. J. Salgare, appearing on behalf of respondent No.1- State.

9. The application was considered only for the allegations against the mother-in-law and brother-in-law of respondent No.2 – first informant. They are admittedly residing separately. 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 who was alone residing with her. Nothing was demanded by applicants No.2 and 3 for themselves as per the allegations in the FIR itself. The causal visits of applicants No.2 and 3 to the house of applicant No.1 cannot be inferred as visits to commit crime only. 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.2 and 3 by invoking the inherent powers of this Court under Section 482 of the Code of Criminal Procedure. Hence, following order.

ORDER

- 1) The application of applicant No.1 is disposed of as withdrawn.
- 2) The application of applicants No.2 and 3 is allowed.

3) Relief is granted to applicants No.2 and 3 in terms of prayer Clause "A".

4) Rule made absolute in those terms.

(SMT. VIBHA KANKANWADI)
JUDGE

(T. V. NALAWADE)
JUDGE

vjg/-.