

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

CRIMINAL APPLICATION NO. 6738 OF 2014

- 1) Anand s/o Bapurao Patil, Age 30 years, Occ. Labourer.
- 2) Bapurao s/o Supdu Patil, Age 55 years, Occ. Nil.
- 3) Latabai w/o Bapurao Patil, Age 50 years, Occ. Household.
- 4) Mayur s/o Bapurao Patil, Age 19 years, Occ. Education.
- 5) Swati d/o Bapurao Patil, Age 20 years, Occ. Education, All R/o. Sevadas Colony, Dhule, Tq. & Dist. Dhule.
- 6) Narhar s/o Bhalerao Bhadane, Age 43 years, Occ. Agriculture. R/o. Khalane, Tq. & Dist. Dhule.
- 7) Bhausahab s/o Supadu Patil, Age 47 years, Occ.
- 8) Asha w/o Bhausahab Patil, Age 43 years, Occ. Household.

Both r/o. Katraj Road, Behind
Chatrapani Building, Badlapur,
Tq. Kalyan, Dist. Thane.

... **Applicants**
(Original accused)

VERSUS

1. The State of Maharashtra.

Through Police Station Pimpalgaon,
Tq. Pachora, Dist. Jalgaon.

2. Durga @ Sarla w/o Ananda Patil,
Age 21 years, Occ. Household,
R/o. c/o. Manik s/o Chindha Patil,
Village Shindad, Tq. Pachora,
Dist. Jalgaon.

... **Respondents.**

(respondent No. 2 is original
complainant)

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Advocate for Applicants : Mr. Ujwal Subhash Patil.
APP for respondent No. 1/State : Mr. M.M. Nerlikar.
Advocate for respondent No. 2 : Mr. H.H. Padalkar.

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

DATE : 24th JULY, 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 under the provisions of section 482 of the Code of Criminal Procedure for relief of setting aside and quashing the proceeding bearing R.C.C. No. 82/2014 pending before Civil Judge, Junior Division, Pachora, Dist. Jalgaon, arising out of first information report Crime No. 59/2013 registered with Pimpalgaon Hare Police Station, District Jalgaon, for the offences punishable under section 498A, 323, 504, 506 read with section 34 of the Indian Penal Code. Learned counsel for applicants on instructions withdraw application for applicants No. 1 to 3.

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

(i) The applicant No. 1 (original accused No. 1) is the husband of respondent No. 2 (original complainant), applicants No. 2 and 3 are father-in-law and mother-in-law of the respondent no. 2, applicant No. 4 and 5 are brother-in-law and sister-in-law of the respondent no. 2, applicant No. 6 is cousin father-in-law of the respondent No. 2, applicant No. 7 is brother of applicant No. 2 and applicant No. 8 is wife of applicant No. 7.

(ii) Respondent No. 2/original complainant lodged complaint by alleging that, her marriage performed with accused No. 1 Ananda on 11.05.2012 at village Maheji Nandra Tq. Pachora. She treated well for about three to four months and thereafter applicant No. 1 demanded her for Rs. 5 lakh for grocery shop and on that count he assaulted and abused the respondent No. 2/original complainant and drove her out. When respondent No. 2 came at her paternal house she told about the illtreatment and demand of money to her father, mother and sister. When respondent No. 2 returned to her matrimonial home at that time applicants No. 6, 7 and 8 were present there. Applicant No. 1 asked the respondent No. 2 whether she has brought Rs. 5 lakh or not. When respondent No. 2 told them that due to poor financial condition her father is unable to fulfill their demand at that time all applicants No. 2 to 8 instigated applicant No. 1 for giving divorce to respondent No. 2 and drove her out. At that time all the applicants assaulted her with fist and kick blows and drove her out of the house. With these allegations, offence came to be registered against the applicants and other accused

persons 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. Patil, learned counsel for the applicants, Mr. Nerlikar, learned APP for the respondent No.1/State and Mr. Padalkar, 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 assault are made against husband/original accused No. 1. The allegations against the applicants No. 4 to 8 are vague and general in nature. It is alleged against the applicants No. 4 to 8 that they instigated the husband of respondent No. 2 for demanding money and abused her and drove her out. No specific instance or particular act alleged or quoted in first information report against the applicants No. 4 to 8. It also appears applicant No. 6 is residing at Khalane and applicants No. 7 and 8 are residing at Kalyan, Dist. Thane. They are distant relatives of the applicant No. 1. Therefore, prima-facie it appears that there is no force in the allegations of the complainant against the applicants No. 4 to 8.

6. In view of the above and on perusal of the first information report as well as statement of witnesses 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 No. 4 to 8, so as to attract the ingredients of section 498-A of the Indian Penal Code or other offences as alleged by the complainant. Hence to prevent the abuse

of process of law, we find that discretion needs to be exercised in respect of applicants No. 4 to 8. Hence, following order:

ORDER

1. Application of applicants No. 1 to 3 is disposed of as withdrawn.
2. Application of applicants No. 4 to 8 is allowed. Relief is granted in their favour in terms of prayer clause 'B'.
3. Rule made absolute in those terms.
7. Criminal application is disposed of.

(K. L. WADANE, J.)

(T.V.NALAWADE,J.)

mkd/-