

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

CRIMINAL APPLICATION NO. 6931 OF 2014

1. Yogesh S/o Sharad Kenekar,
Age : 29 years, Occu: Nil,
2. Sharad S/o Govindrao Kenekar,
Age: 67 years, Occu: Agril.,
3. Smt. Urmila W/o Sharad Kenekar,
Age: 50 years, Occu: Household,

All R/o Mangrul, Taluka Sillod,
District Aurangabad.
4. Vandana W/o Balasaheb Gavale,
Age: 34 years, occu. Household,
5. Balashaeb s/o Devidas Gavale,
Age : 38 years, Occu: Agriculture,

Both R/o Mahora, Tal. Jafrabad,
District Jalna.

... APPLICANTS

V E R S U S

1. The State of Maharashtra,
Through its
Investigation Officer,
Police Station Sillod (Gramin)
District Aurangabad.
2. Sau Kiran W/o Yoesh Kenekar,
Age: 23 years, Occu: Household,
R/o Satgaon, Taluka and
District Buldhana

...RESPONDENTS.

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Mr. S.M. Pandit, Advocate for the applicants.
Mr. R.V. Dasalkar, APP for respondent No. 1
Mr. Y.L. Bidve, Advocate for respondent No. 2
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**CORAM : T.V. NALAWADE &
SMT. VIBHA KANKANWADI, JJ.**

DATED : 24th AUGUST, 2018.

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

1. The present proceeding is filed under section 482 of the Criminal Procedure Code for relief of quashing and setting aside the First Information Report bearing No. 119 of 2011 registered with Sillod (Gramin) Police Station, Tq. Sillod, District Aurangabad for the offence punishable under sections 498-A, 307, 323, 504 and 506 read with section 34 of the Indian Penal Code.

2. Heard both sides.

3. The Crime is registered on the basis of report given by wife of applicant No. 1. Applicant No. 2 is father, whereas, applicant No. 3 is mother of applicant No.1. Applicant No. 4 is a sister of applicant No. 1 and applicant No. 5 is husband of applicant No. 4. Married sister and her husband are resident of different place i.e. Mahora, Tq. Jafrabad, District Jalna. Applicants No. 1 to 3 are resident of some other place like Mangrul, Tq. Sillod, District Aurangabad.

4. Respondent No. 2 - First Informant has made allegation that after the marriage with applicant No.1, her husband and

parents of husband started harassing her by saying that her parents need to help by giving Rs.1,00,000/- (Rupees One lakhs) as they wanted to start medical shop. The allegations are made that, some times applicants No. 4 and 5 used to visit her matrimonial house and they used to instigate her husband and parents to ill-treat her. The allegations are made that on 15-12-2010, husband gave severe beating and reached her to her parents house.

5. The allegations made in the FIR show that allegations as against applicants No. 4 and 5 are vague in nature and they are resident of different place. It cannot be said that on their instigation, ill-treatment was given to the First Informant. Even specific date of the incident is not given and it can be said that FIR given against them is very late. In view of these circumstances, this Court holds that it is not desirable to ask applicants No. 4 and 5 to face trial for the aforesaid offences in the proceeding pursuant to the aforesaid crime bearing Sessions Case No. 308 of 2012, pending on the file of Sessions Court at Aurangabad. In the result, application to the extent of applicants No. 4 and 5 is allowed. The application to the extent of other applicants stands rejected. Accordingly, relief is granted in terms of prayer clauses " B and C" to the extent of applicants No. 4 and 5. Rule is made absolute in above terms.

6. The fees payable to the appointed counsel on behalf of respondent No. 2 is quantified at Rs.3000/- and the same shall be paid by the High Court Legal Services Sub-Committee, Aurangabad.

(SMT. VIBHA KANKANWADI, J.)

(T.V. NALAWADE, J.)

MTK.