

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 6277 OF 2017

- 1] Maroti S/o Gangaram Rajure,
Age : 60 Years, Occ. Labourer,
R/o. Panchshilnagar, Washim,
Tq. & Dist. Washim.
- 2] Shakuntalabai W/o Maroti Rajure,
Age : 55 Years, Occ. Housewife,
R/o. As above
- 3] Sangameshwar S/o Maroti Rajure,
Age : 30 Years, Occ. Business,
R/o. As above.
- 4] Vijaya W/o Ravi Lande,
Age : 33 Years, Occ. Housewife,
R/o. At Post Bibkheda, Tq. Risod,
Dist. Washim.
- 5] Ravi S/o Bandu Lande,
Age : 35 Years, Occ. Driver,
R/o. As above
- 6] Kalpana W/o Vikas Kothule
Age : 27 Years, Occ. Housewife,
R/o. Shantiniketan Colony, Parbhani
- 7] Vikas S/o Prabhakar Kothule,
Age : 30 Years, Occ. Business,
R/o. Shantiniketan Colony,
Parbhani
- 8] Surekha W/o Sangameshwar Rajure
Age : 27 Years, Occ. Housewife,
R/o. Panchsilnagar, Washim,
Tq. & Dist. Washim.

..APPLICANTS

VERSUS

1. The State of Maharashtra
Through The Investigation Officer,
Police Station, Naigaon,
Dist. Nanded
2. Sou, Shila W/o Nitin Rajure,
Age : 23 Years, Occ. Business,
R/o. Panchshilnagar, Washim
At present R/o. Manjaram,
Tq. Naigaon, Dist. Nanded

..RESPONDENTS

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Advocate for Applicants : Mr. G. L. Awale
APP for Respondents: Mr. R. V. Dasalkar
Advocate for respondent no. 2 : Mr. A. M. Patil

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**CORAM :T.V. NALWADE AND
SMT.VIBHA KANKANWADI,JJ.
DATE :30th OCTOBER, 2018.**

JUDGMENT(Per T.V. NALWADE, 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.120/2017 registered with Naigaon Bazar Police Station for the offences punishable under Sections 498-A, 323, 504, 506 read with 34 of the Indian Penal Code.

3. The crime is registered on the basis of report given by respondent no.2. She was given in marriage to Nitin, son of applicant nos. 1 and 2 on 27.11.2013. Applicant no.3 is brother-in-law of first

informant/respondent no.2, applicant no.4 is married sister-in-law of first informant, applicant no.5 is the husband of applicant no.4, applicant no.6 is another married sister-in-law of first informant, and applicant no.7 is the husband of applicant no.6, and applicant no.8 is the wife of applicant no.3.

4. Allegations made in the FIR are that after the marriage, the husband and parents-in-law started picking up quarrels with the first informant on petty count and parents were instigating the husband even to assault the first informant. Allegations are made that the married sisters of the husband used to visit her matrimonial house occasionally on the occasions of Diwali and Panchmi and they also used to instigate the husband to give ill-treatment to the first informant. Allegations are made that the brother-in-law by name Sangameshwar and the husband of the married sisters used to give threats to her. It is contended that she had disclosed about ill-treatment to her parents. Allegations are made that amount of Rs. 4,00,000/- was also demanded by the husband and his relatives and since this demand was not met with, more ill-treatment was given. Specific incident dated 17.04.2017 is mentioned and it is contended that on that day, all the accused assaulted the first informant and they drove her out of matrimonial house. One more incident dated 20.06.2017 is mentioned and it is contended that on that day, all the accused came to the house of her parents and after picking

up quarrel with her, they assaulted her and asked her to come to matrimonial house with Rs. 4,00,000/-

5. Record is produced to show that for some period, the first informant and her husband were living in Pune as her husband was working in a Company in Pune and the first informant cohabited with him at Pune. The main allegations are against the husband and his parents. Allegations as against the other relatives of the husband are very vague in nature. It appears that her husband has filed proceeding against her even under Section 98 of Code of Criminal Procedure and parents of the wife were made party respondents to that proceeding filed on 29.08.2017. He had filed proceeding for restitution of conjugal right on 06.06.2017 and in that proceeding, he has contended that he had cohabited with the first informant in Pune. In view of the nature of allegations made against the applicant nos. 3 to 8, which are very vague in nature and as the married sisters who are residents of different places, are also not spared. This Court holds that it will be abuse of process of law if applicant nos. 3 to 8 are asked to face the trial for aforesaid offences. In the result following order :-

6] During the argument learned counsel for the applicant nos. 1 and 2 submitted, on instructions, that he wants to withdraw the proceeding filed against applicant nos. 1 and 2. In the result we pass the following order.

ORDER

- I] Application of applicant nos. 1 and 2 is disposed of as withdrawn.
- II] Application of applicant nos. 3 to 8 is allowed.
- III] Relief is granted to applicant nos. 3 to 8 in terms of prayer clause [B].

Rule made absolute in the aforesaid terms.

[SMT.VIBHA KANKANWADI]
JUDGE

[T.V. NALAWADE]
JUDGE

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