

**IN THE HIGH COURT AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD**

CRIMINAL APPLICATION NO. 6628 OF 2015

1. Sundardas @ Ajinath Gajanan Nagvade,
Age 42 years, Occu. Business,
2. Gajanan Jijaba Nagvade,
Age 75 years, Occu. Nil.,
3. Jayshri Gajanan Nagvade,
Age 50 years, Occu. Housewife,
4. Sanjay Limbraj Mahandule,
Age 45 years, Occu. Agril.,
5. Deepali Sunderdas Mahandule @ Nagvade,
Age 35 years, Occu. Housewife,
6. Chintamani @ Ishwar Kakaahab Ghige,
Age 32 years, Occu. Agril.,

All R/o. Ruikhel, Tal. Shrigonda,
Dist. Ahmednagar.

....Applicants.

Versus

1. The State of Maharashtra
Through the Police Inspector
Shrigonda Police Station,
Shrigonda, Tal. Shrigonda,
Dist. Ahmednagar.
2. Smt. Changuna Chandrakant Gosavi,
Age Major, Occu. Household,
R/o. Ruikhel, Taluka-Shrigonda,
Dist. Ahmednagar.

....Respondents.

Mr. A.K. Gawali, Advocate for applicants.

Mr. M.M. Nerlikar, APP for respondent No. 1/State.

**CORAM : T.V. NALAWADE AND
SMT. VIBHA KANKANWADI, JJ.
DATED : 07/12/2018.**

JUDGMENT : [PER T.V. NALAWADE, J.]

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

2) The proceeding is filed under section 482 of Criminal Procedure Code for relief of quashing of chargesheet in C.R. No. 14/2015 registered in Shrigonda Police Station for offences punishable under sections 452, 147, 504 etc. of Indian Penal Code. The said case is given number as Regular Trial Case No. 321/2015 and is pending in the Court of Judicial Magistrate, First Class, Shrigonda.

3) The crime is registered on the basis of report given by respondent No. 2, who is a lady, aged more than 50 years. The applicants are relatives of a person with whom daughter of first informant had dispute. The said person was saying that there was marriage between him and daughter (girl of the side of the applicants) and it was registered marriage. He belongs to different caste and so, the family of the girl was not ready to accept that marriage. The first informant is mother of the said man. He is working as P.S.I. at other station.

4) The incident in question took place at Gosaviwadi, Ruikhed, Tahsil Shrigonda on 15.1.2015 in the evening time. The first informant has made allegations that all the applicants came in four wheeler and two wheeler and they committed house trespass and then they virtually assaulted her. It is her contention that they wanted to see that divorce was given by her son to the girl from their side as they were against the said marriage due to caste of the husband. Allegations are made that damage was caused to household articles also. In respect of incident dated 15.1.2015 the report was given on 20.1.2015 and crime came to be registered for aforesaid offences.

5) The submissions made and the record show that the said girl has married with other man and she is not with the son of the first informant. It appears that both the sides had given many reports against each other. As the girl is not with the son of the first informant, the parties ought to have accepted the situation. But it appears that they have continued the dispute. As the F.I.R. was given late and there will be nothing to corroborate except the version of first informant and version of the members of the family, this Court holds that it will be abuse of process of law if the applicants, who are relatives of the said girl, are asked to face the prosecution for aforesaid offences. In the result, the application is

allowed. Relief is granted to applicants in terms of prayer clause 'A'.

Rule is made absolute in those terms.

[SMT. VIBHA KANKANWADI, J.]

[T.V. NALAWADE, J.]

ssc/