

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

CRIMINAL WRIT PETITION NO. 1593 OF 2017

1. Vilas s/o Vyankatrao Jangale,
Age: 32 years, Occu : Service,
R/o Kore Garden, Moti Nagar, Latur,
Tq. & Dist. Latur,
Now at 255 North Road, Unit 226,
Chelmsford, MA 01824-1415.
2. Vyankatrao S/o Shripati Jangale,
Age – 66 years, Occu- Nil,
R/o Kore Garden, Moti Nagar, Latur,
Tq. & Dist. Latur.
3. Rukminbai w/o Vyankatrao Jangale,
Age – 62 years, Occu – Household,
R/o Kore Garden, Moti Nagar, Latur,
Tq. & Dist. Latur.
4. Pradeep s/o Vyankatrao Jangale,
Age – 29 years, Occu – Business,
R/o “Anjali Niwas”, Plot No. 30,
Bhosale Village, Fursungi,
Pune – 412 307.
5. Shivkanta w/o. Pradeep Jangale,
Aged : 25 years, Occu: Household,
R/o “Anjali Niwas”, Plot No. 30, Bhosale
Village, Fursungi,
Pune – 412 307.

Petitioners
... (Orig. Accused)

VERSUS

1. The State of Maharashtra,
through the Police Station Officer
Shivajinagar Police Station,
Latur, Tq. & Dist. Latur.

2. Prachi w/o Vilas Jangale,
Aged : 30 years, Occ: Household,
R/o Mr. Pradip Patil, Khandapurkar
Behind Tahsil Office, Khorigalli, Latur,
Tq. And Dist. Latur.
- Respondents**
(Orig. Respondent
... No. 2. Complainant)

Mr. Patil N. P. Jamalpurkar for the Petitioners.

Mrs. D. S. Jape, APP for Respondent - State.

Mr. Manoj Shinde for the Respondent No. 2.

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

DATE: : 6th August, 2018

JUDGMENT (Per K. L. Wadane,J.):

1. Rule. Rule made returnable forthwith. With the consent of the parties, the petition is taken up for final hearing.

2. The petitioners have challenged the first information report No.344/2017 registered against them at Shivajinagar Police Station, Latur on 19.10.2017 for the offences punishable under Section 498-A, 406, 323, 504 read with section 34 of the Indian Penal Code.

3. We have heard the arguments of Mr. Jamalpurkar learned counsel for the Petitioners, Mrs. D. S. Jape, learned APP for Respondent – State and Mr. Manoj Shinde for the Respondent No. 2.

4. Respondent No. 2 herein lodged a report to the police station alleging that she married with the petitioner No. 1 on 10.02.2014, that

marriage was registered marriage and also they married on 20.02.2014 as per the Hindu rites. After the marriage the respondent No. 2 was treated nicely for some time.

5. On 01.03.2014, the petitioner No. 1 and respondent No. 2 went to the Boston in America, as the petitioner No. 1 was serving there as a Scientist, at that time, all the petitioners have informed to the respondent No. 2 that a flat is to be purchased in America and therefore, they need money. When the Petitioner No. 1 and Respondent No. 2 were residing in America the petitioner Nos. 2 to 5 were talking with respondent No. 2 on phone in insulting manner and they were demanding the money from the father of the respondent No. 2 and for bringing the money she was sent to India. When she returned to India at once she went to the house of the brother of the Petitioner No.1 at Pune where the Petitioner Nos. 2 to 5 were present. They snatched 50 tola ornaments on her person and drove her away from the flat. Since then the respondent No. 2 is residing with her father at Latur. During the stay at Latur, the father of the respondent No. 2, requested the in-laws to treat the respondent No. 2 nicely.

6. On 23.04.2015 respondent No. 2 delivered a male child. On his first birthday, the petitioners were invited. At that time, the father of the respondent No. 2 with the intervention of the witnesses tried to convince to the petitioners, however, they were not in position to listen, meantime, the petitioner No.1 beaten her on account of illegal demand of Rs.50 lakhs.

7. The petitioner No. 1 issued a notice to the respondent No. 2 to which she replied. On perusal of the allegations against the petitioners, it appears that there are specific allegations against the husband, father-in-law and mother-in-law of the respondent No. 2. After the marriage, hardly they resided with the in-laws for a few days, subsequently, the petitioner No. 1 and respondent No. 2 went to the America and resided there for considerable time. The respondent No.2 when returned to the India, it appears that she resided with her father at Latur and it is alleged that at once the respondent No. 2 went to the house of brother of the petitioner No. 1 at Pune where the in-laws had snatched the ornament of 50 tola.

8. One can understand the allegations as against the husband, father-in-law and mother-in-law. Petitioner No. 4 is brother-in-law and petitioner No. 5 is the wife of petitioner No. 4, thus from the record, it appears that the respondent No. 2 hardly resided with the petitioner Nos. 4 and 5 in her matrimonial house for a few days in such a short span of period it is not possible for the petitioners Nos. 4 and 5 to have given the ill-treatment to the respondent No.2 collectively, so the allegations as against petitioner Nos. 4 and 5 appear to be vague. Now a days it is a tendency of roping all the relatives and distant relatives of the husband in the criminal cases. Particularly when they are residing separately.

9. Mr. Patil learned counsel for the petitioners relied upon the observation in cases reported in :

- i. 2015 ALL MR (Cri) 1
- ii. 2015 ALL MR (Cri) 1510
- iii. 2013 ALL MR (Cri) 3500
- iv. 2014 ALL MR (Cri) 897
- v. 2015 ALL MR (Cri) 3435
- vi. 2013 ALL MR (Cri) 2787
- vii. 2015 ALL MR (Cri) 3550
- viii. 2011 ALL MR (Cri) 2283
- ix. 2013 ALL MR (Cri) 3422
- x. 2012 ALL MR (Cri) 4059
- xi. 2013 AIR SCW 3651 = 2013 CRILJ 3644
- xii. 2005 ALL MR (Cri) 1795 (S.C.)
- xiii. 2009 ALL MR (Cri) 2752 (S.C.)
- xiv. 2010 AIR SCW 4975

10. We have perused the observations of the above cases and there is no straight jacket formula, either to allow such petition or reject. It depends upon the nature of the allegation against each of the accused, if the allegations are vagued and in general, in such circumstances, on the basis of such allegations, it will be very difficult to establish the offence leveled against the accused. The facts of each case depends upon the allegations against each of the accused persons, therefore, there is no straight jacket formula for the quashment of the criminal proceedings or the first information report. It depends upon the gravity of the allegations, its nature, its particulars. Therefore, in the present matter, in view of the specific allegations against the petitioners Nos.1 to 3, they are not entitled to any relief. However, looking to the allegations against the petitioner Nos. 4 and 5, we are of the opinion they are entitled for the relief as claimed by them in

terms of prayer clause (B). These observations are made only for the purpose of disposal of the present petition and those will not come in the way of the petitioners, at the time of trial.

11. Hence the petition of the petitioner Nos. 1 to 3 is rejected. The petition of petitioner Nos. 4 and 5 is allowed. Relief is granted in their favour in terms of prayer clause (B). Rule made absolute in those terms. Petition is disposed of.

(K. L. WADANE, J.)

(T. V. NALAWADE, J.)

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