

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

CRIMINAL APPLICATION NO. 6503 OF 2017

Rekha w/o Vijay Gaikwad Age 35 years, Occu: Motinagar Kedgaon, Ahmednagar At present r/o Shivshrusti Complex, C-3/604, Near Dube Medical College, Nalasopara (East), Taluka Vasai Dist. Palghar.	... Applicant (Orig.Accused)
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VERSUSA

1. The State of Maharashtra
Through Police Inspector,
MIDC Ahmednagar Police Station,
Taluka & Dist. Aurangabad.

2. Reshma w/o Prashant Gaikwad **... Respondents**
Age 27 years, Occu: Household
R/o Plot No.34, Motinagar,
Kedgaon, Ahmednagar
At present Jeur Bayjabai,
Tq. & Dist. Ahmednagar.

Mr. N. R. Thorat, h/for Mr. R. D. Thorat, Advocate for
the applicant.

Mr. S. J. Salgare, APP for the respondent State.

Mr. V. S. Bedre, Advocate for respondent No.2

CORAM	: T. V. NALAWADE AND K. L. WADANE, JJ.
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DATE:	: 26th June, 2018
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JUDGMENT (Per K. L. Wadane,J.):

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

2. The application is filed under section 482 of the Code of Criminal Procedure for quashing of first information report bearing Crime No. 187/2017 registered with MIDC Ahmednagar Police Station, District Ahmednagar for the offence punishable under Section 406m 498-A, 323, 504, 506 read with 34 of the Indian Penal Code to the extent of the applicant.

3. Respondent No.2/original complainant Reshma Gaikwad, lodged complaint on 13.07.2017 against the accused persons namely, husband Prashant Madhukar Gaikwad, mother-in-law Padmawati Madhukar Gaikwad, father-in-law Madhukar Ranaji Gaikwad including the applicant Rekha Vinay Gaikwad sister-in-law i.e. wife of husband's brother.

4. It is the case of the complainant that she was married to Prashant Gaikwad on 14.05.2012 and started living at matrimonial house at Motinagar Kedgaon Dist. Ahmednagar. It is alleged that she was treated well by the accused persons initially for four months. Thereafter, the above accused persons asked the complainant to bring Rs. 2 lakh from her parents for purchasing four wheeler and in pursuance to the demand, they started ill-treating the complainant, they used to

beat her and harass her physically and mentally and she was kept without food. With these allegations, offence came to be registered against the accused for the offences punishable under sections 406 498-A, 323, 504, 506 read with 34 of the Indian Penal Code.

5. Heard Mr. N. R. Thorat, h/for Mr. R. D. Thorat, learned counsel for the applicant, Mr. S. J. Salgare, learned APP for the respondent State and Mr. V. S. Bedre, learned counsel for respondent No.2.

6. Allegations of demand of money, ill-treatment, mental and physical harassment are made against accused persons including applicant. On perusal of the first information report, specific allegations appear to be against the other accused persons. The allegation against the present applicant are that she was also time and again asking the complainant about the money and taunting her that she was not doing any work.

7. From the record, it appears that Applicant is sister-in-law of the complainant, she is serving in police department since 01.01.2009, in Palghar District and residing at Nalasopara Taluka Vasai, at the place

of her service. There is no material particular quoting any specific incident of visit or about ill-treatment or harassment against applicant so as to attract ingredients of section 498-A of the Indian Penal Code against the applicant.

8. Allegations against the applicant, in the first information report are vague and general in nature. No specific act or overt-act is attributed to her. There is no specific instance or material particular which would strengthen the allegation of the complainant that there was harassment or ill-treatment at the hands of applicant. On its face, the complaint does not constitute any offence against the present applicant. The applicant is a servicewoman, residing separately at Nalasapora and she has no direct concern with the family affairs of other accused persons and the complainant. Therefore, we found considerable force in the argument of Mr. Thorat, learned counsel for the applicant for quashing the F.I.R. to the extent of the applicant.

9. In view of the above, to prevent the abuse of process of law, we find that discretion needs to be exercised in respect of the applicant. Hence following

order:

O R D E R

- i. Application is allowed
- ii. First information report bearing Crime No. 187/2017 registered with MIDC Ahmednagar Police Station, District Ahmednagar for the offence punishable under Section 406m 498-A, 323, 504, 506 read with 34 of the Indian Penal Code is hereby quashed and set aside to the extent of Applicant Rekha Vijay Gaikwad.
- iii. Rule is made absolute in the above terms.

(K. L. WADANE, J.)

(T. V. NALAWADE, J.)

JPC