

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

CRIMINAL APPLICATION NO. 6875 OF 2017

1. Namdeo s/o Hanuman Barle,
Age 45 years, Occ. Agriculture.
2. Satyabhama w/o Namdeo Barle,
Age 43 years, Occ. Housewife.
3. Akshay s/o Namdeo Barle,
Age 19 years, Occ. Education,
All R/o. Shivani, Tq. Lonar,
District Buldhana.
4. Jayshri w/o Anil Shivayeet,
Age 23 years, Occ. Housewife,
R/o. Korwadi, Tq. Jintur, Dist.
Parbhani.
5. Shivaji s/o Hanuman Barle,
Age 52 years, Occ. Agriculturist,
R/o. Shivani, Tq. Lonar,
District Buldhana.
6. Baban @ Lahu s/o Shriram Panune,
Age 42 years, Occ. Agriculturist,
R/o. Gandhari, Tq. Lonar, Dist.
Buldhana.
7. Sarubai w/o Shriram Panune,
Age 42 years, Occ. Agriculturist,
R/o. Gandhari, Tq. Lonar, Dist.
Buldhana.
8. Rital d/o Baban alias Lahu Panune,
Age 19 years, Occ. Education,
R/o. Gandhari, Tq. Lonar, Dist.
Buldhana.

9. Sagar alias Gangasagar w/o Dnyaneshwar Dhangad, Age 47 years, Occ. Housewife, R/o. Gandhari, Tq. Lonar, Dist. Buldhana.
10. Ravi s/o Dnyaneshwar Dhangad, Age 28 years, occ. Service Health Department, R/o. Gandhari Tq. Lonar, Dist. Buldhana.

... **Applicants**
(Ori. accused)

VERSUS

1. The State of Maharashtra.
Through Police Inspector,
Police Station, Bamni Tq.
Jintur, Dist. Parbhani.
2. Parvati w/o Suresh Barle,
Age 47 years, Occ. Housewife,
R/o. Shivani Tq. Lonar, Dist.
Buldhana.

... **Respondents**
(Respondent No. 2 is
original informant)

...

Advocate for Applicants : Mr. Ashok D. Raut.
APP for respondent No. 1/State : Mr. P.G. Borade.
Advocate for Respondent No. 2 (appointed) : Mr. Ravi M. Mhaske.

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

DATE : 27th June, 2018.

JUDGMENT (PER K.L. WADANE, J.) :

1. Rule. Rule made returnable forthwith. With the consent of the parties, this application is taken up for final disposal.
2. This application is filed by the applicants under the provisions of section 482 of the Code Criminal Procedure for relief of quashing of first

information report No. 30/2017 dated 07.04.2017, registered with Bamani police station, District Parbhani, for the offences punishable under section 498A, 323, 504, 506 read with section 34 of the Indian Penal Code.

3. Complainant Parvati Suresh Batle lodged complaint to the police station Bamani, District Parbhani, on 07.04.2017, alleging that she is married lady having son namely Vikas, aged about 21 years and daughter namely Santoshi aged about 23 years. The marriage of her son Vikas is arranged and settled with a girl from the relative of complainant namely Pratibha. Thereupon all these accused persons were illtreating mentally and physically to the complainant on the ground that why she is not settling the marriage of her son with a girl of their relative.

4. On perusal of the entire allegations in the first information report it appears that no where it is mentioned in the first information report that how the applicants are related to the complainant. It is also not clear that whether they are in-laws of the complainant or otherwise.

5. The ground for alleged illtreatment is that the marriage of the son of complainant was arranged and settled with a girl from the relative of the complainant and complainant is not ready to settle the marriage of her son with a girl from the family of applicants/accused persons. The allegations made in the first information report are absolutely vague in material particulars.

6. The offence is registered against the applicants under the provisions of section 498A of the Indian Penal Code coupled with other offences. While registration of the crime the investigating officer or the police officer has not understood the provisions of section 498A and has blindly registered the offence under section 498A read with section 34 of the Indian Penal Code and that too without application of mind. How the applicants are related to the husband of the complainant has not been clarified, therefore, it is very difficult even prima-facie to infer that the present applicants are in-laws or relatives of husband. Therefore, criminal proceeding on such a vague allegations cannot be allowed to be continued. In view of the above, following order is passed.

ORDER

- 1 The application is allowed.
- 2 Relief is granted in terms of prayer clause 'B'.
- 3 Fees of appointed counsel is quantified to Rs. 3000/- (Rs. Three Thousand only).
7. Rule is made absolute in aforesaid terms.
- 8 Criminal Application is disposed of.

(K. L. WADANE, J.)

(T.V.NALAWADE, J.)

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