

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

CRIMINAL APPLICATION NO. 372 OF 2019.

1. Tejpal Vilas Dongare, Age 25 years,
Occup. Business, R/o. at Itkur,
Post Hirapur, Tq. Georai, Dist. Beed.
..(Rejected as per order dated
06.02.2019).
2. Vilas Babasaheb Dongare, Age 50
years, Occ. Business, R/o. Near
New Reporter Office, Thoratwadi
Beed, District Beed.
3. Jayshree Vilas Dongare, Age 42
years, Occupation Household,
R/o. New Reporter Office,
Thoratwadi, Beed, Dist. Beed.
4. Lankabai Babasaheb Dongare,
Age 64 years, Occup. Household,
R/o. C/o. Sumit Babasaheb
Dongare, Panchasheel Nagar,
Beed, District Beed. ... **Applicants.**

VERSUS.

1. The State of Maharashtra,
Through Police Station Peth
Beed, Dist. Beed.
2. Komal Tejpal Dongare, Age 21
years, Occupation Household.
R/o. C/o. Shobha Ambadas
Shinde, Behind Seema Collection,
Old Mondha, Vipra Nagar,
Brahman Galli, Peth Beed, Tq.
& Dist. Beed. ... **Respondents.**

...

Mr. Salunke Sudarshan J., Advocate for Applicants.
Mr. S.B. Yawalkar, A.P.P. for respondents No. 1.
Mr. S.V. Munde, Advocate for respondent No. 2.

**CORAM : T.V. NALAWADE &
MANGESH S. PATIL, JJ.**
DATE : 12.04.2019

JUDGMENT (PER MANGESH S. PATIL, J.) :

Heard.

2. Rule. The rule is made returnable forthwith. The learned APP waives service for respondents No. 1. Learned advocate Mr. Munde waives service for respondent No. 2. With the consent of both the sides the matter is heard finally at the stage of admission.

3. The applicants are seeking quashment of the F.I.R. No. 07/2019 registered with Police Station Peth, District Beed for the offences punishable under section 498A, 323, 504, 506 read with section 34 of the Indian Penal Code.

4. The applicant No. 1 is the husband, applicants No. 2 and 3 are parents in law and applicant No. 4 is the grand mother of the husband of the respondent No. 2. She filed the F.I.R. on 13.01.2019 alleging that she was married to the applicant No. 1 on 22.07.2015. Since after marriage he started assaulting her by suspecting her fidelity and under influence of liquor. He started insisting her to bring money from her parents. Some how she continued to cohabit with him and the couple could beget couple of children. When she had gone to her paternal home for second delivery the applicants No. 1 to 3 arrived there, raised demand for money and abused

her. Her parents tried to convince them but to no avail. On 07.09.2018 she along with her parents approached the Womens Grievance Cell at Beed but there was no patch up and then she lodged the complaint.

5. The application to the extent of the applicant No. 1 husband is already rejected by this Court by the order dated 06.02.2019.

6. After hearing both the sides when this Court expressed its disinclination to grant any relief to the applicants No. 2 and 3 on merit, their learned advocate, on instructions seeks leave to withdraw the application to their extent as well.

7. The applicant No. 4 is the grand mother in law of the respondent No. 2. Conspicuously the F.I.R. merely mentions her name along with the other applicants. There is absolutely no whisper about the applicant No. 4 having ever participated in or instigated others in subjecting the respondent No. 2 to cruelty on any count. For that matter the papers of investigation show that even her parents in their statement under section 161 of the Code of Criminal Procedure have not specifically attributed any overt act to the applicant No. 4.

8. Even in the complaint lodged by the respondent No. 2 with the Womens Grievance Cell, Beed there is absolutely no allegation against the applicant No.4 regarding any illtreatment meted out to the respondent No. 2.

9. Considering all these facts in our considered view it would be a sheer abuse of process of law if the applicant No. 4 is made to face the investigation and the impending charge based on such, rather absence of clear allegations.

9. Application is allowed to the extent of applicant No. 4.

10. The rule is made absolute to her extent in terms of prayer clause 'B'.

11. The application to the extent of applicants No. 2 and 3 is disposed of as withdrawn. To their extent the Rule is discharged.

(MANGESH S. PATIL, J.)

(T.V. NALAWADE, J.)

mkd