

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

CRIMINAL APPLICATION NO. 792 OF 2019

1. Yuvraj S/o. Sheshrao Ranveer, **...APPLICANTS**
Age-30 years, Occu- Service,
2. Sheshrao S/o. Vitthalrao Ranveer,
Age-73 years, Occu-Nil,
3. Latabai W/o. Sheshrao Ranveer,
Age-58 years, Occu-Household,
- All Applicant Nos. 1 to 3
R/o. Jaynagar, Near Revgaon Road,
Jalna, Dist. Jalna
4. Jagdish S/o. Sheshrao Ranveer,
Age-42 years, Occu-Service,
R/o. Quarter No. 20, Vidyanagari,
Hans Bhgra Marg, Santacruz East,
Mumbai-98
5. Dipak S/o. Sheshrao Ranveer,
Age-43 years, Occu-Service,
R/o. Jaynagar, Near Revgaon Road,
Jalna, Dist. Jalna
6. Ujjwala W/o. Gautam Narwade,
Age-39 years, Occu-Household,
R/o. Flat No. 4, Nirmitee Nest,
Survey No. 40/1, Nerhe, Pune
7. Apurva D/o. Gautam Narwade,
Age-20 years, Occu-Student,
R/o. Flat No. 4, Nirmitee Nest,
Survey No. 40/1, Nerhe,
Pune

VERSUS

1. The State of Maharashtra,
Through Police Station Hatta,
Dist. Hongili **...RESPONDENTS**
2. Shalini W/o. Yuvraj Ranveer,
Age-27 years, Occu-Household,
R/o. C/o. Narayanrao Rustumrao Sonwane,
Ranjala, Tq. Aundha, Dist. Hingoli

Mr. Nikhil Biyani, Advocate h/f Mr. Sudarshan J. Salunke, Advocate
for the applicants

Mr. M. M. Nerlikar, APP for the respondent/State

Mr. S. K. Chavan, Advocate for respondent No. 2

**CORAM : T. V. NALAWADE &
S. M. GAVHANE, JJ.**

DATE : 14-11-2019

ORAL JUDGMENT [PER : S. M. GAVHANE, J.]

. Rule. Rule made returnable forthwith. With the consent
of the parties the matter is heard finally.

2. By this application under Section 482 of the Code of
Criminal Procedure the applicants/ accused Nos. 1 to 7 against
whom crime No. 36 of 2019 has been registered on 12-02-2019 for
the offences punishable under Sections 498-A, 323, 504, 506 read
with Section 34 of the Indian Penal Code on the complaint of
informant/ respondent No. 2 in Hatta Police Station, have requested
to quash and set aside the said FIR.

3. When this court was not inclined to grant relief to
applicant Nos. 1 to 3, the learned counsel for the applicants stated

that applicants No. 1 to 3 are withdrawing the application.

4. Mr. Biyani, learned counsel for the applicants submitted that there is no dispute that respondent No. 2 was married to applicant No. 1 on 12-05-2013. Applicants No. 4 and 5 are brother of applicant No. 1. Applicant No. 6 is married sister of applicant No. 1 and applicant No. 7 is daughter of applicant No. 6. It is submitted that applicants No. 4 to 7 are not residing with applicants No. 1 to 3. Applicant No. 4 is residing at Mumbai, applicants No. 6 and 7 are residing at Pune. Allegations made against applicants No. 4 to 7 in the FIR are vague. It is submitted that as per the FIR demand of Rs. 5,00,000/- was made by applicants No. 6 and 7 and applicant No. 7 was saying that respondent No. 2 is mad. As per the FIR as the applicants were abusing and assaulting respondent No. 2 for money, she resided at her parents house for two years and thereafter she went to her in-laws house for cohabitation through court and thereafter applicant No. 1 husband of respondent no. 2 demanded Rs. 5,00,000/-. Thus, according to the learned counsel for the applicants, after respondent No. 2 went to her in-laws house for cohabitation, allegation of demand of money is made only against applicant No. 1 and not against other applicants. It is submitted that applicants No. 4 to 7 were not residing in the family of applicants No. 1 to 3 when respondent No. 2 was cohabiting. Impugned FIR against them is nothing but misuse of process of law and therefore, it needs to be set aside by allowing the application.

5. Mr. Chavan, learned counsel for respondent No. 2 and

learned APP submitted that on the basis of allegations in the FIR offences alleged against the applicants are attracted and applicants have not made out a case for quashing of FIR and therefore, the application be dismissed.

6. We have carefully considered the submissions made by the learned counsel for the applicants, respondent No. 2 and learned APP and perused the documents produced on record by the applicants.

7. There is no dispute about the relationship of respondent No. 2 with applicants as referred earlier. On perusal of the FIR lodged on 12-02-2019 by respondent No. 2 it appears that she was married to applicant No. 1 on 12-05-2013 and thereafter went to the house of applicant No. 1 for cohabitation. FIR further shows that she has daughter of three years from applicant No. 1. It is further seen from the FIR that she was treated properly by the people of in-laws house for a period of one year and thereafter all the applicants started harassing and insulting her on saying her to bring Rs. 5,00,000/- from her father for grossory shop and other business. Applicants No. 6 and 7 sister-in-law and daughter of sister-in-law were causing mental cruelty to her saying her to bring Rs. 5,00,000/- from her father. It appears from the FIR that for a period of two years respondent No. 2 had gone to her parents house and then she came back to in-laws house for cohabitation through court and then demand of Rs. 5,00,000/- was made only by applicant No. 1. It appears that applicants No. 1 to 3 are

residing in same family as seen from their address in the application. Above referred allegations in the FIR against applicants No. 4 to 7 are vague. Applicants No. 4, 6 and 7 are not residing at Jalna they are respectively residing at Mumbai and Pune. Therefore, offences alleged in the FIR against applicants No. 4 to 7 are not *prima facie* attracted. Therefore, continuation of FIR against the applicants No. 4 to 7 would amount to abuse of process of law. If said FIR is continued the said applicants would be harassed unnecessarily. Therefore, we are inclined to quash the FIR against applicants No. 4 to 7. Therefore, following order is passed:

ORDER

- I. Application of applicants No. 1 to 3 is disposed of as withdrawn.
- II. Application of applicants No. 4 to 7 is allowed.
- III. Relief of quashing of FIR is granted in terms of prayer clause (C) to applicants No. 4 to 7.
- IV. Rule is made absolute in those terms.

[S. M. GAVHANE, J.]

[T. V. NALAWADE, J.]