

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO.953 OF 2019

1. Lalit Sudam Chaudhary,
Age : 25 years, Occu. Service,
R/o Satyakamal Colony,
Prafulla Vilha, Flat No.1,
Talegaon Dabhadi, Pune
Tq. and Dist. Pune
2. Pandit Ananda Choudhary,
Age : 45 years, occu. Driver
R/o Baherpura, Pachora,
Tq. Pachora, Dist. Jalgaon
3. Malti Sudhir Choudhary,
Age : 50 years, Occu. Household,
R/o Near Guptaaji Gym, Bhusawal,
Tq. Bhusawal, Dist. Jalgaon
4. Sudhir Deoram Chudhary,
Age : 56 years, Occu. Household,
R/o Near Guptaaji Gym, Bhusawal,
Tq. Bhusawal, Dist. Jalgaon

APPLICANTS

VERSUS

1. The State of Maharashtra,
through Police Station Officer,
Marwad Police Station, Amalner,
Tq. Amalner, Dist. Jalgaon
2. Jagruti Yogesh Chaudhary,
Age : 27 years, Occu. Household,
R/o c/o Sanjay Madhavrao Chaudhary,
Amalgaon, Tq. Amalner,
District Jalgaon

RESPONDENTS

Mr. A.R. Syed, Advocate holding for Mr. S.P. Brahme,
Advocate for the applicants

Mr. R.D. Sanap, A.P.P. for the respondent/State

Mr. Ravindra M. Deshmukh, Advocate for respondent No.2

**CORAM : T.V. NALAWADE AND
K.K. SONAWANE, JJ.**

DATE : 15th OCTOBER, 2019

ORAL JUDGMENT :

Rule. Rule made returnable forthwith and with the consent of learned counsel for the parties, heard for final disposal.

2. The present application is filed for the relief of quashing and setting aside the proceeding bearing Regular Criminal Case (R.C.C.) No.12/2019 pending on the file of learned Judicial Magistrate First Class, Amalner. The case is filed by the police in C.R. No.37/2018, registered with Marwad Police Station, Amalner for the offences punishable under Sections 498-A, 323, 504, 506 read with Section 34 of the Indian Penal Code. The crime was registered on the basis of report given by Jagruti Yogesh Chaudhary – respondent No.2. She was given in marriage to Yogesh Sudam Chaudhary on 1st May, 2016. Applicant No. 1 is the real brother of Yogesh, applicant No. 2 is the maternal uncle of Yogesh and it appears that applicant Nos.3 and 4 are the aunt and uncle of Yogesh.

3. It is the contention of the informant – respondent No.2 that after her marriage with Yogesh, she cohabited with him as husband where Yogesh was living with his parents and brother Lalit. She has alleged that after three months of the marriage, illtreatment was given to her by the husband and his relatives and they were asking her to bring an amount of Rs.10,00,000/- from her parents as the amount was required for seeking permanent job to Yogesh. As the demand was not fulfilled, she was assaulted. She has made allegation that they were starving her. It is contended that the applicant Nos.3 and 4 used to illtreat her by teasing her when they used to visit Pachora. Further allegations are made that her brother was assaulted by the relatives of her husband and on 11th August, 2017, she was sent back to her uncle as she was brought up by her uncle. She has contended that on 18th April, 2018, the husband and all the relatives came to the house of her uncle and picked up quarrel and assaulted her. She ultimately filed the report with the police on 8th September, 2018.

4. Learned counsel for the applicants took this Court through the record in respect of employment of

applicant No.1 Lalit. The record shows that he was employed in one company from the year 2015 till 2018 and he resigned from that job on 5th July, 2018. Thereafter, he got job in another company by name Wind World where he joined on 13th August, 2018. The first company was situated at Nandurbar and the another is situated in Pune.

5. Learned counsel for respondent No.2 opposed for grant of the reliefs claimed in the application. He placed reliance on the observations made by this Court in the case of *Tukaram s/o Bajirao Deshmukh & Anr. Vs. State of Maharashtra & Anr*, reported as *2018 ALL MR (Cri) 194*.

6. The record produced by applicant No.1, as aforesaid, cannot be ignored as it shows that he had no occasion to live in the house where the informant – respondent No.2 was cohabiting with her husband Yogesh. Vague allegations are made against applicant No.1 and it is not even the contention of the informant that he used to visit the house of the parents or Yogesh on certain occasions.

7. The other applicants are admittedly living

separate from Yogesh. The allegations made against them are very vague. There is nothing on record to show that these applicants made demand of money from the informant or her parents. In view of vagueness in the allegations and for want of specific instances of illegal demand, the provisions of Section 498-A of the I.P.C. are not available as against the applicants. This Court, therefore, holds that the relief needs to be granted to all the applicants.

8. The facts of each case are always different and hence the observations made in the case of *Tukaram s/o Bajirao Deshmukh & Anr.* (Supra) cannot come in the way of applicants to get the relief.

9. In the result, Criminal Application is allowed in terms of prayer clause (D). Rule is made absolute in those terms.

[K.K. SONAWANE]
JUDGE

[T.V. NALAWADE]
JUDGE

