

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

CRIMINAL APPLICATION NO. 2137 OF 2019

1. Ganesh s/o Navnath Pardeshi,
Age: 37 years, Occ. Teacher,
R/o. Postman Colony, Canal Road,
Beed, Tq. & Dist. Beed.
2. Manoj s/o Navnath Pardeshi,
Age: 44 years, Occ. Labour,
R/o. Khokarmoha, Tq. Shirur (K),
Dist. Beed.
3. Shilpa w/o Manoj Pardeshi,
Age: 44 years, Occ. Housewife,
R/o. Khokarmoha, Tq. Shirur (K),
Dist. Beed.
4. Mayur s/o Manoj Pardeshi,
Age: 19 years, Occ. Student,
R/o. Khokarmoha, Tq. Shirur (K),
Dist. Beed.
5. Vijaya w/o Bhagwat Pardeshi,
Age: 41 years, Occ. Housewife,
R/o. Khokarmoha, Tq. Shirur (K),
Dist. Beed.
6. Omkar s/o Bhagwat Pardeshi,
Age: 19 years, Occ. Student,
R/o. Khokarmoha, Tq. Shirur (K),
Dist. Beed.
7. Saroj w/o Bhagwan Pardeshi,
Age: 41 years, Occ. Teacher,
R/o. Rambag, Mahad Pandharpur Road,
Bhor, Tq. Bhor, Dist. Pune.

8. Bhagwat s/o Ramchandra Pardeshi,
Age: 48 years, Occ. Labour,
R/o. Khokarmoha, Tq. Shirur (K),
Dist. Beed.
9. Udhav s/o Bhagwan Pardeshi,
Age: 49 years, Occ. Teacher,
R/o. Backside Sahara Hotel, Beed,
Saiprasad Niwas, Samarth Nagar,
Nagar Road, Beed,
Tq. & Dist. Beed.
10. Manisha w/o Udhav Pardeshi,
Age: 46 years, Occ. Teacher,
R/o. Backside Sahara Hotel, Beed,
Saiprasad Niwas, Samarth Nagar,
Nagar Road, Beed,
Tq. & Dist. Beed.
11. Rajkumar s/o Bhagwan Pardeshi,
Age: 52 years, Occ. Teacher,
Z.P.C.P.S., Tagadgaon, Tq. Shirur,
Dist. Beed.

... Applicants

Versus

1. The State of Maharashtra,
Through Police Station Officer,
Shirur Police Station, Tq. Shirur (K),
Dist. Beed.
2. Usha W/o Ganesh Pardeshi,
Age: 33 years, Occ. Household,
R/o. C/o. Mahadeo Misal,
At Khokarmoha, Tq. Shirur (K)
Dist. Beed.

... Respondents

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Mr. Rajendra G. Hange, Advocate for the Applicants.
Mrs. V.S. Choudhari, A.P.P. for Respondent no.1-State.
Mr. V.P. Sawant, Advocate for Respondent No.2.

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**CORAM : T.V. NALAWADE &
M.G. SEWLIKAR, JJ.**
DATE : 12.12.2019

JUDGMENT :- (Per: *M.G. SEWLIKAR, J.*)

Rule. Rule made returnable forthwith. Heard finally with the consent of the parties.

2. This is an application under Section 482 of Cr.PC. for quashing of F.I.R. No.70 of 2019 registered with Shirur (K) Police Station, Tq. Shirur (K), Dist. Beed for the offences punishable under Section 498-A, 323, 504, 506 read with 34 of the I.P.C.

3. Applicant Nos.1 and 2 are the real brothers, applicant No.3 is the wife of the applicant No.2, applicant No.4 is the son of applicant Nos.2 and 3, applicant No.5 is the sister of applicant No.1, applicant No.6 is the son of applicant No.5, applicant No.7 is the maternal aunt of applicant No.1, applicant No.8 is the husband of applicant No.5, applicant No.9 is the maternal uncle of applicant No.1, applicant No.10 is the maternal aunt of applicant No.1 and wife of applicant No.9, applicant No.11 is also the maternal uncle of applicant No.1.

4. It is the case of the respondent no.2 that she married the applicant no.1 on 26.05.2005. Theirs was a love marriage. After the wed-

lock, a daughter namely Priyal was born who is seven and half years old. The respondent No.2 was maintained for a period of 13 years by the applicants. Since last one year all the applicants started saying to the respondent No.2 that she did not belong to the caste of the applicants. Her husband-applicant No.1 used to beat her daily under the influence of alcohol. All the applicants used to say that she should bring Rupees Two Lakhs from her parents to pay off the loan of the applicants. On 15.01.2018, she was beaten by the applicants and driven out of the house for non-fulfillment of the demand of Rupees Two Lakhs. On 27.06.2019, at about 7.00 pm all the applicants had been to the maternal place of the respondent No.2 and demanded divorce from the respondent No.2. On this basis the F.I.R. was registered under the aforesaid sections.

5. Heard Shri Hange the learned counsel for the applicants, Smt. V.S. Choudhari the learned A.P.P. for the respondent-state and Shri V.P. Sawant the learned counsel for the respondent no2.

6. On perusal of the F.I.R. and papers annexed with the application it is seen that the marriage of the applicant No.1 with respondent no.2 was solemnized about 13 years ago. This clearly shows that for 13 years the applicant and respondent No.2 were living a peaceful married life. The allegations made against applicant nos. 2 to 11 are vague and general in

nature. It is alleged that all of them used to say that she did not belong to their caste and they wanted a bride of their caste. No specific act is attributed to any of the applicant Nos.2 to 11. Even if all the allegations are accepted at their face value no offence under Section 498-A, 323, 504, 506 read with 34 of the I.P.C. could be made out. Therefore, continuance of the prosecution would amount to abuse of process of Court. In this view of the matter, we are inclined to quash the F.I.R. to the extent of applicant Nos.2 to 11. Hence the following order:

ORDER

- i) Application to the extent of applicant No.1 is disposed of as withdrawn.
- ii) Application to the extent of applicant Nos.2 to 11 is allowed.
- iii) Relief is granted in terms of prayer clause-B.
- iv) Rule made absolute in those terms.

[M.G. SEWLIKAR, J.]

[T.V. NALAWADE, J.]