

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL WRIT PETITION NO. 1209 OF 2019

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| 1 | Suresh Dhondu Chaudhari, Age 54 Years, Occ. Service | Petitioners |
| 2 | Savita Suresh Chaudhari, Age 50 Years, Occ. Housewife,
Both are resident of Plot No.20,
Pruthvilok Colony, Near Ambar
Gas Agency, Padegaon,
Cantonment, Aurangabad | |
| 3 | Bhagyashri Suresh Chaudhari, Age 26 Years, Occ. Service, Resident of Plot No.5, Radhesham Colony, Jalgaon | |
| 4 | Jagannath Dhondu Chaudhari, Age 57 Years, Occ. Service, Resident of Gondegaon, Taluka Soygaon, District Aurangabad | |
| 5 | Manoj Suresh Chaudhari, Age 29 Years, Occ. Service, Resident of Room No.17, Mayuri Darshan Apartment, Shivaji Nagar, Thane [West] | |

V E R S U S

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| 1 | The State of Maharashtra | Respondents |
| 2 | Sou. Pooja W/o Manoj Chaudhari, Age 25 Years, Occ. Service, Resident of Relax Girls Hostel, Near P.G. Datta Mandir, Wakad, Pune | |

Mr. A.P. Avhad, Advocate for the Petitioners
Mrs. V.S. Choudhary, A.P.P. for the Respondent/State
Mr. Balraj P. Pande, Advocate for Respondent No.2

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**CORAM : T.V. NALAWADE AND
M.G. SEWLIKAR, JJ.**

DATE : 10th December, 2019

ORAL JUDGMENT [PER: M.G. SEWLIKAR, J.] :

Rule. Rule made returnable forthwith. With consent of learned counsel of both the sides, heard finally.

2. This is a petition under Article 226 of the Constitution of India and under Section 482 of the Code of Criminal Procedure for quashing of the First Information Report bearing C.R. No.0197 of 2019, dated 2nd May, 2016, under Sections 498-A, 323, 504 read with Section 34 of the Indian Penal Code registered with Contonment Police Station, Aurangabad, Taluka and District Aurangabad.

3. Facts giving rise to this petition are that the informant married one Manoj Chaudhari on 12th May, 2018. Respondent No.4-Jagannath acted as a mediator for the said marriage. The engagement ceremony was performed on 2nd May, 2017, at the time of which,

father of the informant paid Rs.5,00,000/- to the parents of Manoj Choudhari [respondent No.5]. After 2-3 days, applicant No.1, the father-in-law of the informant, applicant No.2 i.e. mother-in-law of the informant started saying that her father had paid Rs.5,00,000/- less. They called her father as beggar. Her husband Manoj Choudhari wanted to check her handset and when she refused to give the same, the accused Manoj smashed her head on the wall. The petitioner No.3 is the daughter of petitioner Nos.1 and 2 and she was studying M.B.B.S. at the time of marriage. Petitioner No.4 is the uncle of petitioner No.5. Petitioner No.5 is the husband of the informant. All of them used to abuse her by doubting her chastity. On these allegations, First Information Report was lodged on 2nd June, 2019 against the petitioners.

4. Heard Shri A.P. Avad, learned counsel for the petitioners, Shri Choudhary, learned A.P.P. for respondent No.1/State and Shri B.P. Pande, learned counsel for respondent No.2.

5. Learned counsel for the petitioners argued that the allegations against the petitioners are false and omnibus. No offence is made out against any of the petitioners. As against this, learned A.P.P. submitted that the specific allegations are made against the

petitioners/accused.

6. During the course of arguments, learned counsel for the petitioners submitted that the petition filed by petitioner Nos.1, 2, 4 and 5 may be allowed to be withdrawn. Accordingly, the petition filed by petitioner Nos.1, 2, 4 and 5 is disposed of as withdrawn.

7. So far as petitioner No.3 is concerned, she was studying M.B.B.S. at time of marriage. At present she is in service in ESI Hospital, Jalgaon. No specific allegations are made against the petitioner No.3. There is tendency to rope in as many relatives of husband as possible in matrimonial offences. There is even tendency to involve relatives, who are not residing at the matrimonial place of the informant. At the time of the incident, the petitioner No.3 was studying M.B.B.S. and now she is employed at Jalgaon. No specific allegations are made against her. Even if the allegations against petitioner No.3 are taken to be true at their face value, no offence is said to be made out against her. In view of this, we are inclined to quash the First Information Report to the extent of petitioner No.3. Accordingly, following order is passed :

O R D E R

- [1] The petition of petitioner Nos.1, 2, 4 and 5 is disposed of as withdrawn.
- [2] The petition of petitioner No.3 is allowed.
- [3] Relief is granted to petitioner No.3 in terms of prayer clause "**B**".
- [4] Rule is made absolute in above terms.

(**M.G. SEWLIKAR, J.**)

(**T.V. NALAWADE, J.**)