

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

CRIMINAL APPLICATION NO. 2673 OF 2019

1. Nagorao Kishanrao Shinde,
Age; 32 years, Occ; Labour,
R/o; Talegaon Tq. Hadgaon,
Dist. Nanded at present
Aalandi Tq. Khed Dist. Pune.
2. Narayan Kishanrao Shinde,
Age; 38 years, Occ; Contractor,
R/o; Talegaon Tq. Hadgaon,
Dist. Nanded at present
Jog Maharaj Colony Kelgaon,
Tq. Khed Dist. Pune.
3. Ganga Narayan Shinde,
Age; 32 years, Occ; Household,
R/o; Talegaon Tq. Hadgaon,
Dist. Nanded at present
Kalegaon, Tq. Khed Dist. Pune.
4. Sunita w/o Pandurang Jadhav,
Age; 42 years, Occ; Household,
R/o; Takli, Tq. Umarkhed,
Dist; Yeotmal.
5. Digambar Pandurang Jadhav,
Age; 24 years, Occ; Labour,
R/o; Takli, Tq. Umarkhed,
Dist; Yeotmal.
6. Motiram Ramrao Suryawanshi,
Age; 22 years, Occ; Labour,
R/o; Borgaon, Tq. Hadgaon,
Dist. Nanded at present
Hanumanwadi Alandi,
Tq. Khed, Dist; Pune.
7. Eknath Ramrao Suryawanshi,

Age; 19 years, Occ; Labour,
R/o; Borgaon, Tq. Hadgaon,
Dist. Nanded at present
Hanumanwadi Alandi,
Tq. Khed, Dist; Pune.

8. Bhagwat Ramrao Suryawanshi,
Age; 16 years, Occ; Student,
R/o; Borgaon, Tq. Hadgaon,
Dist. Nanded at present
Hanumanwadi Alandi,
Tq. Khed, Dist; Pune.

APPLICANTS

(Original Accused)

VERSUS

1. The State of Maharashtra,
Through Police Inspector,
Mantha Police Station,
Tq. Hadgaon, Dist; Nanded.

2. Seems Nagorao Shinde,
Age; 28 years, Occ; Household,
Resident of Marlegaon Tq. Hadgaon,
Dist. Nanded.

RESPONDENTS

(Original Complainant)

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Mr. R.B. Narvade Patil, Advocate for Applicants
Mrs. V.N.Patil/Jadhav, APP for Respondent/ State
Mr. A.V.Mhaske, Advocate for Respondent No. 2
(appointed)

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

DATE : 12th DECEMBER, 2019

JUDGMENT : (Per M.G. SEWLIKAR, J]

Rule. Rule made returnable forthwith.
By consent, heard both the sides for final disposal.

2. This application is filed by the applicants under Section 482 of the Code of Criminal Procedure, 1973, for quashing the First Information Report (In short 'F.I.R.'), lodged by respondent No. 2, bearing Crime No. 64 of 2019 dated 06.07.2019, registered at Manatha Police Station, Tq. Hadgaon, Dist; Nanded, for the offences punishable under Sections 498-A, 323, 504, 506 r/w Section 34 of the Indian Penal Code (In short 'I.P.C.').

3. Facts giving rise to this application are that respondent No. 2-the informant, married with applicant No. 1 Nagorao Kishanao Shinde on 12.5.2008. Applicant No. 2 is brother of applicant No. 1, applicant No. 3 is the wife of applicant No. 2, applicant Nos. 4 and 5 are the sisters of applicant No. 1 and applicant Nos. 6 to 8 are applicant's other sisters. It is alleged that

respondent No. 2-the informant was maintained well for the period of ten years. The couple gave birth to two sons namely Rohit and Ranjit. Thereafter, applicant started demanding Rs. 5,00,000/- to be brought from her parents. Applicant No. 1 used to doubt chastity and used to abuse her in filthy language. Applicant No. 1 had once pushed her by holding her hair. Applicant No. 3 also used to pass sarcastic remarks at her. On 1.5.2018, applicant No. 1 came home at 1.30 p.m. and made demand of Rs. 5,00,000/-. Applicant was driven out of the house when this demand was not met. Thereafter, she lodged the F.I.R., on the basis of which an offence punishable under Sections 498-A, 323, 504, 506 r/w Section 34 of the I.P.C. has been registered against the applicants.

4. Perused the F.I.R., Heard Mr. R.B. Narvade Patil, learned counsel for Applicants, Mr.V.N.Patil/Jadhav, learned APP for Respondent/ State and Mr. A.V.Mhaske, learned counsel for Respondent No. 2 (Appointed).

5. So far as applicant Nos. 1 to 3 are concerned, learned counsel for applicant Nos. 1 to 3 sought to withdraw the petition.

6. So far as applicant Nos. 4 to 8 are concerned, no specific allegations have been made against them. They are the sons of other sisters of the applicant No. 1. Their ages are 24, 22, 19 and 16 respectively. All the allegations are against the applicant Nos. 1 to 3. No specific allegations have been made against any of the applicant Nos. 4 to 8. Applicant No. 8 is shown to be minor. Allegations against these applicants are general in nature. Even if allegations are accepted at their face value, no offence can be said to have been made out against them. In view of this, we are inclined to quash the F.I.R., to the extent of applicant Nos. 4 to 8. In view of this following order is passed :

ORDER.

I. The applications of Applicant Nos. 1 to 3 are disposed of as withdrawn.

II. The applications of Applicant Nos. 4

to 8 are allowed.

III. Relief is granted to Applicant Nos. 4 to 8 in terms of prayer clauses (B).

IV. Rule is made absolute in those terms.

V. An amount of Rs.3,000/- (Rs. Three Thousand) be paid by the Legal Services Sub Committee, High Court Aurangabad, to Advocate Mr. A.V. Mhaske, appointed on behalf of Respondent No. 2 in this matter.

(M.G.SEWLIKAR)
JUDGE

(T.V.N ALAWADE)
JUDGE

mahajansb/