

**IN THE HIGH COURT AT BOMBAY  
APPELLATE SIDE, BENCH AT AURANGABAD**

CRIMINAL APPLICATION NO. 2636 OF 2018

Balasaheb s/o. Yashwant Kadam,  
Age 78 years, Occu. Agril.,  
R/o. Bodka, Tq. & Dist. Latur.

**....Applicant.**

**Versus**

1. The State of Maharashtra,  
Through Police Station  
Renapur, Tq. Renapur,  
Dist. Latur.

2. Sonerao s/o. Trimbakarao Shinde,  
Age 50 years, Occu. Agriculture,  
R/o. Kasarkheda, Tq. & Dist. Latur.

**....Respondents.**

Mr. Aakash Gade h/f. Mr. S.J. Salunke, Advocate for applicant.

Mr. M.M. Nerlikar, APP for respondent No. 1/State.

Mr. Sachin Deshmukh, Advocate for respondent No. 2.

**CORAM : T.V. NALAWADE AND  
MANGESH S. PATIL, JJ.  
DATED : 30/04/2019.**

**ORAL JUDGMENT : [PER T.V. NALAWADE, J.]**

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

2. The proceeding is filed for relief of quashing of F.I.R. No. 169/2018 registered with Renapur Police Station, District Latur for offences punishable under sections 302, 498-A r/w. 34 etc. of Indian Penal Code and also the supplementary chargesheet filed against the

present applicant in the said crime for that offence.

3. This Court has carefully gone through the papers of investigation. Crime is registered on the basis of report given by father of deceased. Deceased was given in marriage to Sidhaji Sidram Jadhav, resident of Kasarkheda, Tahsil and District Latur on 11.5.2014. The deceased has left behind one daughter. The incident in question, murder took place on 2.7.2018 and F.I.R. came to be given on the same day. The charge of murder will be only as against the husband as per the submissions made by the learned APP.

4. The submissions made and the record show that the applicant is resident of village Bodkha, Tahsil and District Latur. The learned counsel for applicant submitted that place of resident of the applicant is situated at the distance of more than 40 k.m. away from the place of incident. The case of the father of the deceased is that the deceased used to disclose that the husband, his parents and present applicant, who is maternal uncle of the husband were asking the deceased to bring Rs. One lakh from her parents and as the demand was not met with, they were harassing her. On 2.7.2018 as per the allegations made by the first informant, the deceased had called him on phone and had informed that on that day, her husband, parents of husband and present applicant were harassing

her and they were assaulting her by kick blows and fist blows and the illtreatment was on the same count. On that day when the father went to the residential place of the husband, he noticed that the deceased was murdered by using weapon like axe.

5. The submissions made and the record show that there is nothing with the prosecution to show that on that day, the applicant had come to the place of main accused, husband. It can be said that by presuming something, the F.I.R. was given against the present applicant. Allegations in respect of even illtreatment made against the applicant are vague in nature. In view of these circumstances, this Court holds that it will be abuse of process of law if the applicant is made to face the trial for aforesaid offences. The report of the police shows that the chargesheet is filed against the present applicant only for offence punishable under section 498-A r/w. 34 of I.P.C. In the result, the application is allowed. The aforesaid F.I.R. to the extent of present applicant and the case filed in the said F.I.R. to the extent of present applicant stands quashed and set aside. Rule is made absolute in those terms.

[ MANGESH S. PATIL, J.]

[T.V. NALAWADE, J.]

ssc/