

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

**CRIMINAL APPLICATION NO. 3370 2018**

- 1) Vitthal s/o Khushalrao Jadhav,  
Age 34 years, Occ. Agriculture,  
R/o. Adarsh Colony, Jintur,  
Tq. Jintur, Dist. Parbhani.
  - 2) Khushal s/o Vitthalrao Jadhav,  
Age 56 years, Occ. Service,  
R/o. Adarsh Colony, Jintur,  
Tq. Jintur, Dist. Parbhani.
  - 3) Sakhubai w/o Khushal Jadhav,  
Age 53 years, Occ. Household,  
R/o. Adarsh Colony, Jintur,  
Tq. Jintur, Dist. Parbhani.
  - 4) Abhijit s/o Khushal Jadhav,  
Age 28 years, Occ. Service,  
R/o. Adarsh Colony, Jintur,  
Tq. Jintur, Dist. Parbhani.
  - 5) Pritam s/o Khushalrao Jadhav,  
Age 24 years, Occ. Service,  
R/o. Adarsh Colony, Jintur,  
Tq. Jintur, Dist. Parbhani.
- ... **Applicants.**

VERSUS.

1. The State of Maharashtra,  
Through the Police Inspector,  
Jintur Police Station, Tq. Jintur,  
Dist. Parbhani.
  2. Surekha Rajabhau Devkar,  
Age 45 years, Occ. Household,  
R/o. at post Pachlegaon, Tq.  
Jintur, Dist. Parbhani.
- ... **Respondents.**

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Mr. V. V. Deshmukh, Advocate for applicants.  
Mr. S. J. Salgare, APP for respondent No. 1.  
Mr. V.D. Salunke, Advocate for respondent No. 2.

**CORAM : T.V. NALAWADE &  
MANGESH S. PATIL, JJ.**

**DATE : 11th MARCH,2019**

**JUDGMENT (PER T. V. NALAWADE , J) :**

1. Rule. Rule made returnable forthwith. By consent heard both sides for final disposal.
2. The proceeding is filed for quashing of F.I.R No. 366/2018 registered with Jintur Police Station for the offences punishable under section 498A, 306, 323, 504, 506 read with section 34 of the Indian Penal Code. Crime is registered on the basis of report given by mother of deceased Seema.
3. Seema was given in marriage to applicant No. 1 in the year 2005. The incident took place on 11.09.2018. The deceased sustained burn injuries and the relatives of her husband admitted her first in Jintur hospital and then to a hospital from Aurangabad. Her first dying declaration was recorded in the hospital on 12.09.2018 in which she disclosed that it was accidental fire and nobody should be blamed for this incident. She survived up to 09.10.2018. The F.I.R. came to be given by her mother on 10.10.2018.
4. In FIR allegations are made that after five years of the marriage illtreatment was started to the deceased by husband and his relatives on petty counts. Allegations are made that for about four years the husband and relatives were asking the deceased to bring Rs. 5 lakh, as such amount was necessary for making construction of house.

5. The record shows that when the first dying declaration was recorded on 12.09.2018 and the signature of the father of the deceased was obtained on that record showing that he had no grievance in respect of the said dying declaration. The deceased has left behind three issues and age of eldest issue was 12 years at the relevant time. Other two issues were aged about 8 years and 6 years. There are no statement of these issues on record there are only statements of parents of deceased making allegations of aforesaid nature against the husband and relatives. In dying declaration the deceased had disclosed that the mother-in-law and wife of brother-in-law had made an attempt to save her by extinguishing the fire.

6. The nature of allegations made above show that they are very vague. In view of the aforesaid record, this Court holds that nothing can be achieve by allowing the State to file case for aforesaid offences and by trying the case as against the present applicants. This Court holds that relief needs to be given to the applicants.

7. In the result, the application is allowed. Relief is granted in terms of prayer clause 'A'.

8. Rule made absolute in those terms.

**(MANGESH S. PATIL, J.)**

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

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