

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

CRIMINAL APPLICATION NO. 3517 OF 2018

- 1) Raman Nathrao Dahiphale,
Age 23 years, Occ. Service,
R/o. Molvan, Tq. Ahmedpur,
District Latur, now r/o. Bitergaon,
Tq. Umarkhed, Dist. Yavatmal.
- 2) Govind Nathrao Dahiphale,
Age 25 years, Occ. Service,
R/o. Molvan, Tq. Ahmedpur,
Dist. Latur. Now r/o. Khaparkheda,
Tq. & District Nagpur.
- 3) Nathrao Vaijanath Dahiphale,
Age 50 years, Occ. Service,
R/o. Molvan, Tq. Ahmedpur,
District Latur. ... **Applicants.**

VERSUS.

1. The State of Maharashtra,
Through its Police Inspector,
Ahmedpur Police Station.
2. Ranjan Manchak Karad,
Age 40 years, occup. Housewife,
R/o. Vidhya Nagar Ahmedpur,
Tq. Ahmedpur, Dist. Latur. ... **Respondents.**

...

Mr. Jadhavar S. G., Advocate for Applicants.
Mr. S.B. Joshi, A.P.P for respondent No. 1.
Mr. J. M. Murkute, Advocate for respondent No. 2.

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

DATE : 25th MARCH, 2019

JUDGMENT (PER MANGESH S. PATIL, J.) :

Heard.

2. Rule. Rule is made returnable forthwith. Learned APP waives service of notice for respondents No. 1 and learned advocate Mr. Murkute waives service of notice for respondent No. 2. With the consent of both the sides the matter is heard finally at the stage of admission.

3. The applicants are praying for quashment of F.I.R. and Crime No. 370/2018 registered with Ahmadpur Police Station for the offences punishable under section 306, 498A, 323, 504, 506 read with section 34 of the Indian Penal Code, which was registered at the instance of the respondent No. 2.

4. She alleged that her daughter was married to the applicant No. 1 on 08.05.2018. Since thereafter she started cohabiting with him. The applicant No. 2 is his brother and the applicant No. 3 is his father. Soon after marriage he started demanding money from her and on that count used to assault her. When the respondent No. 2 had gone to their house, the applicant No. 1 assaulted the deceased for the same reason. Fed up with such persistent physical and mental harassment she committed suicide by hanging at her parental home on 15.10.2018. Thus according to her, by such physical and mental torture meted out to the deceased on account of demand for dowry the applicants instigated her to commit suicide.

4 The learned advocate for the applicants submits that there are vague and omnibus allegations. All the ingredients for constituting the offence cannot be made out. The allegations in the F.I.R. show a general tendency to rope in all the relations of the husband and the Crime may be quashed.

5 The learned APP and the learned advocate for the respondent No. 2 oppose the application. They submit that there are clear and precise allegations against all the applicants which clearly make out the ingredients for constituting the offence and the application may be rejected.

6 We have considered the papers and the F.I.R. When we disclosed our disinclination to grant any relief to the applicants No. 1 and 3, their learned advocate, on instructions, seeks leave to withdraw the application to their extent.

7 As far as the applicant No. 2 is concerned, a minute perusal of the F.I.R. reveals that there is absolutely no whisper about he having ever illtreated the deceased or to have instigated the rest of the applicants in subjecting her to cruelty. Only one statement in the F.I.R. refers to him wherein it is alleged that when the deceased had contacted him on telephone while he was staying at Khaparkheda, District Nagpur, and made a grievance about illtreatment meted out to her he had told her that it was a matter between the husband and the wife and she may fulfill his demand. Accepting this version to be true, we cannot digest as to how it would

constitute abetment within the meaning of Section 107 of the Indian Penal Code. His case squarely falls under category 1 and 3 from the case of **State of Haryana and Ors V/s. Bhajan Lal and Ors., AIR 1992 Supreme Court 604**. The application to the extent of applicant No. 2 therefore deserves to be allowed.

8 The application is accordingly allowed to the extent of applicant No. 2.

9 The rule is made absolute in terms of prayer clause 'B' to his extent.

10. The application to the extent of applicants No. 1 and 3 is disposed of as withdrawn.

(MANGESH S. PATIL, J.)

(T.V. NALAWADE, J.)

mkd