

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
CRIMINAL APPLICATION NO. 1347 OF 2019**

- 1) Vinod Vikas Patil,
Age; 37 years, Occ; Service,
- 2) Anushree Seth @ Anushree
Vinod Patil,
Age; 30 years, Occ; Service,

Above both R/o; 4461, Bharat
Hall DR Apt., A-2 Saint
Louis, MO 63108 U.S.A.

- 3) Yogini Ravindra Kakde,
Age; 33 years, Occ; Service,
R/o; At Dhanora, Post
Bharadi, Tq. Sillod, Dist;
Aurangabad.

...Applicants

V E R S U S

- 1) The State of Maharashtra,
Through; Pachim/Western,
Police Station, Deopur,
Dhule, Tq. & Dist. Dhule.
- 2) Sayali Rupesh Patil,
Age; 27 years, Occ;
Household,
C/o; Smt. Vidya Ramesh
Narwade,
R/o; Balaji Society Plot No.
4, Nakane Road, Deopur,
Dhule, Tq. & Dist. Dhule

...Respondents

.....
 Mr.V.B.Patil, Advocate for the Applicants
 Mrs. V.S.Chaudhary, A.P.P. for the Respondent
 No. 1/State
 Mr.P.B.Patil, Advocate for Respondent No. 2.

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

DATE : 6th JANUARY, 2020

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

This is an application for quashing of the First Information Report (In short "F.I.R.").

2. Facts giving rise to this application are that respondent No. 2 married Rupesh Vikas Patil on 6.11.2017. Her husband i.e. Rupesh is a liquor addict. On 20.11.2017, she (Respondent No. 2) went to Pune alongwith her husband Rupesh. He started demanding her Rs. 35Lacs to be brought from her parents for purchasing a flat at Pune and on that count used to ill-treat her physically and mentally.

Her mother-in-law Shobhana used to instigate her. Her father-in-law Vikas also used to pass sarcastic remarks at her. Applicant No. 1 is her brother-in-law (brother of her husband Rupesh), applicant No. 2 is the wife of applicant No. 1 and applicant No. 3 is the sister of applicant No. 1 and Rupesh. Applicant Nos. 1 and 2 also used to say to her that she is a bad cook. Applicant No. 1 had also beaten her. Applicant No. 3 also used to call her a bad cook. On 17.1.2018, she had gone to Dhule alongwith her husband as her mother was reported to be ill. Her husband was standing near Autorickshaw but went away without informing her. When she had gone to her maternal place on 22.1.2018, she was beaten by applicants and all other in-laws and was driven out of the house. Hence, she has filed this report.

3. On the basis of report, charge-sheet has been filed.

4. Heard, Mr. V.B.Patil, learned counsel for the Applicants, Mrs. V.S.Chaudhary, learned A.P.P. for the Respondent No. 1/State and Mr. P.B.Patil, learned counsel for Respondent No. 2 (appointed).

5. It is pertinent to note that the allegations made against the applicants are vague in nature. No specific act is attributed to any of the applicants. It is alleged that on 22.1.2018, respondent No. 2 was driven out of the house by the applicants and all the other in-laws. It is alleged that applicant Nos. 1 and 2 have been residing at South Korea and they had landed in India in the month of October, 2017 and left the shores of India on 7.12.2017. The applicants have produced record to that effect. The applicants have produced copy of the Passport alongwith Visa and the stamp of immigration. It shows that applicant Nos. 1 and 2 had landed in India on 7.7.2017. The record further show that they had landed in

India on 11.10.2017 and left India on 7.12.2017. This clearly shows that these two applicants were not in India since 7.12.2017. Naturally they would not be there at Dhule on 22.1.2018. Therefore, allegations against applicant Nos. 1 and 2, in respect of the alleged beating and driving her out of the house, are not at all well founded. Allegations against them are general in nature and no specific act is attributed to any of them. It is vaguely alleged that the applicants and other in-laws beat respondent No. 2 and drove her out of the house.

6. So far as applicant No. 3 is concerned, she is working as Assistant Teacher at Swami Viveknand School, Jalgaon Road, Sillod, District Aurangabad. The allegations against her are that on 22.1.2018 at Shevali, Tq. Pachora, District Jalgaon, she was beaten and driven out of the house. It appears that applicant No. 3 has not been staying with

husband of respondent No. 2 and her parents (applicant No 3's). Having regard to this all the allegations which are vague in nature and general in nature, even if, are admitted, do not disclose the commission of any cognizable offence. In this view of the matter, the continuation of prosecution would be an abuse of the process of the Court. Hence following order is passed :

ORDER

1. The application is allowed.
2. Relief is granted in terms of prayer clause (B) to the extent of applicants only.
3. Rule is made absolute, in those terms.
4. An amount of Rs.3,000/- (Rs. Three Thousand) be paid by the Legal Services Sub Committee, High Court Aurangabad, to Advocate Mr.

P.B.Patil, appointed on behalf of Respondent No.
2, in this matter.

(M.G. SEWLIKAR, J.)

(T.V. NALAWADE, J.)

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