

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

CRIMINAL APPLICATION NO. 2032 OF 2019

- 1) Satish Bhujangrao Gaikwad,
Age; 29 years, Occ; Labour,
- 2) Bhujangrao s/o Maroti Gaikwad,
Age; 62 years, Occ; Nil,
- 3) Pramila w/o Bhujangrao Gaikwad,
Age; 55 years, Occ; Household,

Applicant Nos. 1 to 3 are
R/o; New Hanuman Nagar, Plot No. 49,
House No. 81, Galli No. 1,
Garkheda Parisar, Aurangabad.
- 4) Pramod s/o Bhujangrao Gaikwad,
Age; 23 years, Occ; Education,
R/o; At present Kasturba Housing Society,
Apeksha Apartment, Flat No. 8,
Vishrant Wadi Pune.
- 5) Nirmala w/o Bhagwat Garad,
Age; 42 years, Occ; Household,
R/o; House No. 81, Plot No. 49,
New Hanuman Nagar, Near
Ganpati Mandir, Garkheda Parisar,
Aurangabad.
- 6) Vilas s/o Bhaskar Sawadatkhar,
Age; 30 years, Occ; Education,
Applicant Nos. 5, 6 and 7 are
R/o; Ndear Z.P. School, Shivaji Nagar,
Hiwara (B.K.) Tq. & Dist. Buldhana.

**...APPLICANTS
(Orig. Accused)**

V E R S U S

- 1) The State of Maharashtra
Through Incharge of Police Station,

Pundlik Nagar, Aurangabad.

- 2) Sujata w/o Satish Gaikwad,
Age; 24 years, Occ; Household,
R/o; Rajesh Nagar, Plot No. 54,
Flat No. 4, Behind Bambu Hotel,
Beed Bypass Road, Aurangabad.

**..RESPONDENTS
(Resp. No. 2 is
Original
Complainant)**

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Shri. V.M.Jaware, Advocate for the Applicants
Smt. R.V.Dasalkar, learned A.P.P.for the Respondent No.1
Shri. Sayyed Tauseef Yaseen, Advocate for Respondent No.2
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**CORAM : T.V. NALAWADE &
M.G. SEWLIKAR, JJ.**

DATE : 11th MARCH, 2020

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

Rule. Rule made returnable forthwith. With the consent of the parties, heard finally at admission stage.

2. This is an application invoking inherent powers of this Court under Section 482 of the Code of Criminal Procedure, for quashing of the First Information Report, No. 234 of 2019, registered in Police Station, Pundlik Nagar, Aurangabad for the offences punishable under Sections 498-A, 323, 504 506 read with Section 34 of the Indian Penal Code.

3. Facts giving rise to this application are that the respondent No. 2 married the applicant No. 1 on 20.12.2015. The applicant No. 2 is

the father, the applicant No. 3 is the mother, the applicant No. 4 is the brother of the applicant No.1. The applicant No. 5 is the sister of the applicant No. 2, The applicant No. 6 is the cousin of the applicant No. 1.

4. It is alleged by the respondent No. 2 in the F.I.R. that she was maintained well for about four months after the marriage. Thereafter, they started demanding money. The applicant No. 1 started demanding gold ring from her parents. The parents of the respondent No. 2 fulfilled this desire of the applicant No. 1 and presented him a gold ring. But the demands of the applicant No. 1 did not stop. Thereafter, he started demanding money from her parents for purchasing a Four Wheeler. Her father gifted the applicant No. 1 a Two Wheeler Bajaj Pulser bearing No. MH-20-EN-8151. It is further alleged that the applicant Nos. 2 and 3 broke opened almirah of the respondent No. 2 and sold her gold ornaments. At the instance of the applicant No. 5, applicants accused her of theft. The applicants again started demanding money, therefore the brother of the respondent No. 2 transferred Rs. 15,000/- in the account of the applicant No. 1. Thereafter, again the brother of the respondent No. 2 took a loan of Rs. 25,000/- from his friend and paid it to the applicant No. 1. The applicant Nos. 2 and 3 did not permit the respondent No. 2 to meet her parents and did not permit her to speak on phone. They used to keep her starved. The applicant No. 1 to 3 used to say that she is of a black

complexion and would accused her of infidelity. At the provocation of the applicant No. 5, the applicant No. 1 used to beat her. The applicant No. 1 always threatened her of marrying second wife. She was driven out of the house and since then, she has been staying with her parents. When her father and the relatives tried to convince the applicants that time her father was beaten. Therefore, she lodged this FIR against the applicants.

5. Heard Shri. V.M. Jaware, the learned counsel for the Applicants, Smt. R.V.Dasalkar, learned A.P.P. for the Respondent No.1 and Shri. Sayyed Tauseef Yaseen, the learned counsel for Respondent No.2.

6. Shri Jaware, the learned counsel for the applicants submitted that there is delay in lodging the FIR. He argued that no specific allegations are made against the applicants. General and omnibus allegations are made against them. Therefore, no offence is made out against the applicants.

7. The learned APP Shri Dasalkar for respondent/State and Shri Sayyed, the learned counsel for the respondent No. 2 argued that specific allegations are made against the applicants.

8. On perusal of the FIR and the charge-sheet filed

consequent there to, it is evident that specific allegations are made against the applicant Nos. 1 to 3. It has been specifically alleged against the applicant Nos. 2 and 3 that they sold the gold ornaments of the respondent No. 2. It is also specifically alleged against the applicant Nos. 2 and 3 that they used to say that the respondent No. 2 is of a black complexion. Having regard to this, we are not inclined to quash the FIR against the applicant Nos. 1 to 3. The learned counsel for the applicants, therefore, sought permission to withdraw the application to the extent of applicant Nos. 1 to 3.

9. So far as, the applicant Nos. 4 to 6 are concerned, general and omnibus allegations are made against them. Having regard to this, it cannot be said that allegations in the FIR disclose commission of a cognizable offence against the applicant Nos. 4 to 6. In this view of the matter, we are inclined to quash the FIR to the extent of the applicant Nos. 4 to 6. The continuation of the prosecution against the applicant Nos. 4 to 6 would be an abuse of the process of the Court. Hence the following order is passed :

ORDER

- 1) Application of applicants Nos. 1, 2 and 3 is disposed of as withdrawn.
- 2) Application of applicant Nos. 4 and 6 is allowed.
- 3) Relief is granted to applicant Nos. 4 and 6 in terms of prayer clause 'B' and 'B-1'.

- 4) Rule is made absolute In those terms.

(M.G. SEWLIKAR, J.)

(T.V. NALAWADE, J.)

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