

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

CRIMINAL APPLICATION NO. 2370 OF 2019

1. Baliram Bapurao Siramwad,
Age: 32 years, Occu: Service,
R/o Chinchani Patilpada,
Tq. Dahanu, Dist. Palghar.
2. Bapurao Kondira Siramwad,
Age: 70 years, Occu: Nil,
R/o Santoshimata Nagar,
Udgir, Tq. Udgir, Dist. Latur.
3. Krushna s/o Bapurao Siramwad,
Age: 29 years, Occu: Agri.,
R/o Santoshimata Nagar,
Udgir, Tq. Udgir, Dist. Latur.
4. Mathurabai Bapurao Siramwad
Age: 65 years, Occu: Household,
R/o Santoshimata Nagar,
Udgir, Tq. Udgir, Dist. Latur.
5. Kanchan Umakant Nilpatrewar,
Age: 35 years, Occu: Household,
R/o Makani, Tq. Gangakhed,
Dist. Parbhani.
6. Rani Santosh Bhandare,
Age: 32 years, Occu: Household,
R/o Degloor Road, Udgir,
Tq. Udgir, Dist. Latur.

.. **Applicants**

Versus

1. The State of Maharashtra
Through Police Inspector,
Police Station, Udgir (Rural)

Tq. Udgir, Dist. Latur.

2. Uttam Shankarrao Chikalekar,
Age: 52 years, Occ. Agri,
R/o Dhanora, Tq. Ahmedpur,
Dist. Latur.

.. Respondents

...
Mr. R.S. Shinde, Advocate for the applicants.
Mr. K.S. Patil, APP for the respondent-state.
Mr. S.B. Madde, Advocate for respondent no.2.

...

**CORAM : T.V. NALAWADE &
M.G. SEWLIKAR, JJ.**
DATE : 12.03.2020

JUDGMENT :- (Per: *M.G. Sewlikar, J.*)

Rule. Rule is made returnable forthwith. Learned A.P.P. and the learned advocate for the respondent no.2 waived service. With the consent of both the sides the matter is heard finally at the stage of admission.

2. This is an application under Section 482 of the Cr.P.C. seeking invocation of inherent powers of this Court for quashment of Crime No.385 of 2018 registered with Police Station Udgir (Rural) for the offence punishable under Section 306, 498-A read with Section 34 of the I.P.C.

3. Facts giving rise to this application are that the deceased Pooja was the daughter of the informant Uttamrao Chinkewar. The deceased Pooja was married to Baliram Bapurao Siramwad-Applicant no.1 herein on

28.05.2015. Applicant no.2 is the father, applicant no.3 is the brother, applicant no.4 is the mother, applicant nos.5 and 6 are the married sisters of applicant no.1.

4. The deceased was maintained well for a period of six months after the marriage. Thereafter, all the applicants started demanding Rupees Ten Lakhs to be brought from her parents. On that count they started harassing her physically and mentally. The deceased had informed the informant about the unlawful demand of the applicants at the time of festival Diwali of the year 2016. Thereafter, the informant, his relatives by name Shri Shivaji Siramwad, Vijay Siramwad, Vinod Kadam went to the applicants and tried to convince them. All of them told the applicants that his financial position did not permit him to pay such a huge amount of Rupees Ten Lakhs. However, the applicants did not stop the ill-treatment to the deceased. Therefore, at the time of festival Mahalaxmi, the informant went to Udgir i.e. the matrimonial place of the deceased and paid Rupees Two Lakhs to the applicants. The deceased had told the informant that she would not live if the amount as demanded by the applicants is not paid. Despite paying Rupees two Lakhs, the applicants started making demand of the remaining Rupees Eight Lakhs. The applicants continued to demand Rupees Ten Lakhs from the informant. Therefore, on 28.09.2018 at 9.00 pm the deceased committed

suicide by hanging herself. The informant lodged this F.I.R. on 01.10.2018 stating therein that he did not lodge the F.I.R. immediately as he was in bereavement.

5. Heard Shri R.S. Shinde learned counsel for the applicants, Shri K.S. Patil, the learned APP for the respondent-State and Shri Madde the learned advocate for the respondent no.2.

6. Shri Shinde submitted that the applicant nos.2 to 6 have been living separately Applicant no.1 is living at Palghar whereas applicant nos.2 to 4 are living at Latur. Applicant nos.5 and 6 are married daughters. Since all of them were living separately the question of harassing the deceased did not arise. He further submitted that general allegations have been made against all the applicants. Applicant no.3 is making preparations for competitive examination. Therefore, he was not living with other applicants. Allegations against all the applicants are vague and general in nature.

7. The learned APP Shri Patil and learned counsel Shri Madde for the respondent no.2 submitted that specific allegations are made against all the applicants. Nothing is brought on record to show that all the applicants are staying separately from applicant no.1. Therefore, there is *prima facie* case against all the accused.

8. Marriage of the deceased with applicant no.1 was performed on 28.05.2015. Within three years the deceased committed suicide. All the applicants are living together. Charge-sheet shows that applicant nos.1 to 4 have been living at Udgir, District Latur. The applicants are alleged to have made unlawful demand of Rupees Ten Lakhs from the parents of the deceased.

9. Having regard to this, we are not inclined to quash the F.I.R. to the extent of applicant nos.1 to 4. Learned counsel for the applicant sought permission to withdraw the application to the extent of applicant nos.1 to 4.

10. So far as applicant nos.5 and 6 are concerned admittedly they are living at their matrimonial place. Applicant no.5 as per the police papers show that she is the resident of Makni, Tq. Gangakhed, District Parbhani. Applicant no.6 is shown to be the resident of Deglur Road, Udgir. Thus, both the applicants are living separately from applicant nos.1 to 4. Having regard to general and omnibus allegations against applicant nos.5 and 6 and the fact that they are not living with applicant nos.1 to 4, we are inclined to quash the F.I.R. to the extent of applicant nos.5 and 6. In view of the above, following order is passed:

ORDER

- I. Application to the extent of applicant nos.5 and 6 is allowed and the rule is made absolute to their extent in terms of prayer clause-B.
- II. The application to the extent of applicant nos.1 to 4 is disposed of as withdrawn and the rule is discharged to their extent.

[M.G. SEWLIKAR, J.]

[T.V. NALAWADE, J.]