

.....
 Mr.Vilas P. Savant, Advocate for the Applicant
 Mrs.V.S.Chaudhary, A.P.P. for the Respondent
 No. 1/State
 Mr.D.B. Pokale, 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.") and the Charge-sheet filed consequent to the filing of the F.I.R., in Crime No. 122 of 2019, registered at Police Station, Talwada, District Beed, for the offence punishable under Sections 498-A, 323, 504 and 506 read with Section 34 of the Indian Penal Code (In short 'I.P.C.')

2. Facts leading to this application can be briefly stated as under :

Respondent No. 2 married one Pralhad Mahadev Doiphode, resident of Itt, Tq. Beed, Dist. Beed on 11.5.2013. After one year of marriage, her husband, father-in-law and

sister-in-law, started ill-treating respondent No. 2, on frivolous grounds. They used to say that they did not like her, her cooking is not good and on that count they used to assault her. Her husband wanted to setup a Pathological Lab and for that purpose he used to ask her to bring Rs. three lacs from her parents. When she expressed her inability to bring the said amount from her parents, she was subjected to physical and mental ill-treatment. Applicant is sister-in-law of respondent No. 2 (sister of husband of respondent No. 2). She used to instigate husband of respondent No. 2 and her parents-in-law to bring Rs. three lacs from her parents, else they would not allow her to co-habit with her husband. She was driven out of house on 2.11.2018, after severe beating. Thereafter, she lodged complaint against her husband, her parents-in-law and the applicant.

3. Heard, Mr.V.P.Savant, learned counsel for the Applicant, Mrs. V.S. Chaudhary, learned

A.P.P. for the Respondent No. 1/State and Mr. D.B.Pokale, learned counsel for Respondent No. 2(appointed).

4. Applicant No. 2 is not the resident of village of respondent No. 2's husband. She is married sister of husband of respondent No. 2. It was argued that village Dhanora, where the applicant resides is adjacent village of the village in which the husband of respondent No. 2 lives. However, this circumstance, is of no significance, as allegations levelled against applicants are general in nature. No specific act is attributed to the applicants. Even if, allegations made against them are accepted to be true, still, no offence can be said to be made out against applicants. On the basis of these allegations the commission of cognizable offence cannot be said to be made out. Continuation of prosecution on the basis of these allegations would be as of abuse of the process of the Court. In this view of the

matter, F.I.R. and the Charge-sheet, filed consequent to the filing of the F.I.R., needs to be quashed to the extents of applicants. In view of this application is allowed in terms of prayer Clause B and B-1.

5. Rule is made absolute, in those terms.

6. An amount of Rs.3,000/- (Rs. Three Thousand) be paid by the Legal Services Sub Committee, High Court Aurangabad, to Advocate Mr. D.B. Pokale, appointed on behalf of Respondent No. 2, in this matter.

(M.G. SEWLIKAR, J.)

(T.V. NALAWADE, J.)

mahajansb/