

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

CRIMINAL WRIT PETITION NO. 1331 OF 2018

- 1) Sushil Sakharam Barche,
Age; 31 years, Occ; Private
Service,
R/o; Savewadi, Latur,
Tq. & Dist; Latur.
- 2) Sakharam Shamrao Barche,
Age; 57 years, Occ; Agri,
R/o; Savewadi, Latur,
Tq. & Dist. Latur.
- 3) Sitabai w/o Sakharam Barche,
Age; 49 years, Occ;
Household,
R/o; Savewadi, Latur, Tq. &
Dist. Latur.
- 4) Vikram Sakharam Barche,
Age; 37 years, Occ; Service,
R/o; Bellevue, Washington,
United State of America
Through its Power of Attorney
Holder, Dattaraaya Saudagar
Dhere,
Age; 58 years, Occ; Retired,
R/o; Vidyananad Agroya Nagar,
Old MIDC road, Latur,
Tq. & Dist. Latur.
- 5) Haridas Shyamrao Barche,
Age; 45 years, Occ; Agri,
R/o; Bhatangali, Tq. Chakur,
Dist; Latur.

6) Prayagabai w/o Chandar
 Bhadke,
 Age; 53 years, Occ;
 Household,
 R/o; Atola, Tq. Chakur, Dist;
 Latur.

..Petitioners

V E R S U S

1) The State of Maharashtra,

2) Sonali w/o Sushil Barche,
 Age; 26 years, Occ;Household,
 R/o; C/o; Nagnath Londhe,
 Londhe Niwas, Near Krupa
 Sadan English School, In
 front of Hanuman Temple,
 Dnyaneshwarnagar, Latur,
 Tq. & Dist. Latur.

..Respondents

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 Mr. T.M.Venjane, Advocate for the Petitioners
 Mr. M.M.Nerlikar, A.P.P. for the Respt. No.
 1/State
 Mr. R.B.Deshmukh, Advocate for Respondent No. 2

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

DATE : 14th JANUARY, 2020

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

This is a petition filed under Section
 482 of the Code of Criminal Procedure (For

short 'Cr.P.C.), for quashing of the First Information Report (In short "F.I.R."), in Crime No. 270 of 2017, registered at Police Station, Shivajinagar, Latur, District Latur, for the offences punishable under Sections 498-A, 323 and 504 and 506 r/w Section 34 of the Indian Penal Code (In short 'I.P.C.')

2. Facts giving rise to this petition are as under :

Respondent No. 2/Informant married petitioner No. 1 on 27.11.2015. She was maintained well for the period of one month by the petitioners.

3. Petitioner No. 1 is her husband. Petitioner No. 2 is the father of petitioner No. 1. Petitioner No. 3 is the mother of petitioner No. 1, petitioner No. 4 is brother of petitioner No. 1, petitioner No. 5 is the brother of petitioner No. 2 and petitioner No. 6 is the sister of petitioner No. 2.

4. It is alleged that after one month of the marriage, petitioners started calling her a beggar and used to pass sarcastic remarks at her. In the month of January, they asked her to bring Rs. Five lacs for the purpose of business and they attempted to sell her ornaments of respondent No. 2. When she protested petitioners beat her. Petitioner No. 4 also called her as beggar, when she informed him about ill-treatment of other petitioners. On 22.2.2017, petitioner No. 1 beat her with kicks and fists blows. Petitioner No. 3 dragged her by pulling her hair and smashed her head on the wall and started saying that she should transfer plot of her father of Nanded Road, Latur, in the name of petitioner No. 1 and thereafter, she was driven out of the house. On 4.8.2017, petitioner Nos. 1 and 2 came to the house of respondent No. 2 at Latur and beat her for non fulfillment of their demand. Thereafter, she filed this report.

5. Heard, T.M.Venjane, learned counsel for the Petitioners, Mr. M.M.Nerlikar, learned A.P.P. for the Respondent No. 1/State & Mr. R.B. Deshmukh the learned counsel for respondent No. 2.

6. During the arguments, learned counsel for petitioners sought permission to withdraw petition to the extent of petitioner Nos. 1 to 3. He was permitted to do so.

7. So far as, petitioner Nos. 4, 5 and 6 are concerned, the allegations against them are general in nature. The only allegation against petitioner Nos. 5 and 6 is that they used to instigate other petitioners to ill-treat respondent No. 2. No details are given about the ill-treatment. No specific allegations are made against petitioner Nos. 5 and 6. Petitioner Nos. 1 to 3 are shown to be the residents of Savewadi, Dist; Latur, whereas, petitioner Nos. 5 and 6 are shown to be the

residents of Bhatangali, Tq. Chakur and Atola, Tq. Chakur respectively, in accordance with the details given in the charge-sheet. This clearly shows that petitioner Nos. 5 and 6 are not residing with petitioner Nos. 1 to 3. So far as, petitioner No. 4 is concerned, no details of ill-treatment alleged to have been meted out to respondent No. 2, by him are given. No specific act is attributed to petitioner No. 4. Therefore, on the basis of these vague and general allegations, it cannot be said that the commission of cognizable offence is disclosed. In view of this, continuation of prosecution would be an abuse of process of the Court. Hence the following order is passed :

ORDER.

- 1 Petition to the extent of petitioner Nos. 1 to 3 is disposed of as withdrawn.
- 2 Petition to the extent of petitioner Nos. 4, 5 and 6 is allowed. The relief is granted to petitioner Nos. 4, 5 and 6 as per the prayer clause (B) & (C).

- 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. R.B.Deshmukh, appointed on behalf of Respondent No. 2, in this matter.

(M.G. SEWLIKAR, J.) (T.V. NALAWADE, J.)

mahajansb/