

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

CRIMINAL APPLICATION NO. 3073 OF 2019

1. Kishore s/o Prabhakar Jadhav
Age : 44 years, Occ : Service
2. Ushabai w/o Prabhakar Jadhav
Age : 67 years, Occ : Housewife

Both are R/o. Shelarwadi,
Dudh Dairy Road, Jay Bhavani Chowk,
Dhule.

3. Ujwala W/o Chandrashekher Fulsunder
Age : 40 years, Occ : Housewife,
R/o. Gavthan, Pimpalwadi,
Pune – 412-412.

.... APPLICANTS

VERSUS

1. The State of Maharashtra
2. The Sub-Inspector
Bhagya Nagar Police Station
Nanded.
3. Smt. Vishakha Kishore Jadhav
Age : 34 years, Occ : Teacher,
R/o. Sambhaji Nagar, Taroda Budruk,
Bhagya Nagar, Nanded.

.... RESPONDENTS

Mr. D. S. Bagul, Advocate for the applicants
Mr. Y. G. Gujrathi, APP for the respondent/State
Mr. A. G. Vasmatkar, Advocate for respondent No. 3.

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

DATED : 07-12-2020

ORAL ORDER (PER :- M. G. SEWLIKAR, J.)

. Heard finally at the admission stage with the consent of the parties.

2. By this application under Section 482 of the Code of Criminal

Procedure applicants are seeking quashing of the FIR No. 244 of 2019, dated 02/08/2019 registered with Bhagya Nagar Police Station, Nanded and the charge-sheet presented after investigation in the Court of Judicial Magistrate, First Class, Nanded.

3. Facts leading of this application are that respondent No. 3 married applicant No. 1 on 27/01/2010 as per the Hindu rites and rituals. Applicant No. 1 is the husband of respondent No. 3, applicant No. 2 is the mother of applicant No. 1 and applicant No. 3 is the sister of applicant No. 1.

4. It is alleged in the FIR that the applicants started saying after marriage that respondent No. 2 is of black complexion, her culinary skills are not good. They used to say that she should bring dowry of Rs. 2 lakhs and also bring golden bangles. They used to pull her by hair and used to beat her with kick and fist blows. Applicant No. 1 used to beat respondent No. 3 at the instigation of applicant Nos. 2 and 3. Respondent No. 3 became pregnant in the month of March, 2010. Applicant No. 1 wanted it to be terminated it. When respondent No. 3 refused to do so, applicant No. 1 started demanding divorce. When applicant No. 3 came to her maternal place she also beat her. She also used to say as to why she was not consenting for termination of pregnancy. Respondent No. 3 delivered a baby boy on 15/11/2010. However, none of the applicants came to see her. Applicants took her for cohabitation in the month of July, 2011 at Nalasopara, Thane. Again applicants started demanding Rs. 2 lakhs. When respondent No. 3 expressed her inability to arrange for such a huge amount, she was beaten in the month of October, 2011 and was driven out of the house alongwith her son. She tried to resume cohabitation in the month of June, 2014, December, 2016, January, 2017 and January, 2019, but

every time applicant No. 1 refused to resume cohabitation. On 26/05/2019 applicant No. 1 came to her maternal place at Nanded and demanded divorce. When she refused to give divorce, applicant No. 1 abused her in filthy language. On these allegations FIR came to be lodged on 02/08/2019, on the basis of which offences under Sections 498-A, 323, 504, 506 read with Section 34 of the Indian Penal Code came to be registered.

5. Heard Shri. Bagul, learned counsel for the applicants, Shri. Gujrathi, learned APP and Shri. Vasmatkar, learned counsel for respondent No. 3. Shri. Bagul argued that this is the second marriage of both the applicant No. 1 and applicant No. 3. He argued that vague allegations are made against the applicants. Applicant No. 3 is a married sister of applicant No. 1 and she has been staying at Pune with her husband. She has been roped in this case though she has no concern with the applicants. He submitted that the applicants tried to resume cohabitation with respondent No. 3, but respondent No. 3 did not respond. Therefore, the applicant No.1 was constrained to file the divorce petition in the Court of Civil Judge, Senior Division, Vasai. He argued that applicant No. 1 did his best to bring back respondent No. 3. The respondent No. 3 did not want to come back to the applicants. On the basis of these vague allegations it cannot be said that any offence is made out against any of the applicants.

6. Shri. Gujrathi, learned APP and Shri. Vasmatkar, learned counsel submitted that specific allegations are made against all the applicants. They argued that the applicants made unlawful demand of money and subjected respondent No. 3 to cruelty.

7. Perused the papers. On perusal of the papers it is seen that applicant Nos. 1 and 2 are living together. Contents of the FIR show that since the date of marriage the applicants started demanding dowry of Rs. 2 lakhs and golden bangles. It is alleged that the applicants wanted her pregnancy to be terminated. It is specifically alleged against applicant No. 3 that she also wanted the respondent No. 3 to terminate her pregnancy. Whenever applicant No. 3 came to her maternal place, she used to beat respondent No. 3 saying as to why respondent No. 3 was not terminating her pregnancy. Therefore specific allegations are there against the applicants. Hence, we are not inclined to grant any relief to the applicants. Hence the application is dismissed.

[M. G. SEWLIKAR, J.]

[T. V. NALAWADE , J.]