

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
CRIMINAL APPLICATION NO. 3655 OF 2019

- 1) Amol Ravindra More,
Age; 33 years, Occ;
Business,
R/o; Row House No. 11,
Shikshak Colony, Tq.
Trimbakeshwar, Dist; Nashik.
- 2) Rekha @ Kamal w/o Ravindra
More,
Age; 67 years, Occ; Nil,
R/o; As above.
- 3) Ravindra Fakirrao More,
Age; 71 years, Occ; Nil,
R/o; As above.
- 4) Rohan @ Ganesh Ravindra
More,
Age; 35 years, Occ;
Business,
R/o; As above.
- 5) Anikta w/o Rohan @ Ganesh
More,,
Age; 28 years, Occ;
Household,
R/o; As above.
- 6) Harsha w/o Vinod Gaikwad,
Age; 38 years, Occ;
Housewife,
R/o; Survey No. 13/208,
Vitthal Nagar, Satav Plot
Hadapsar, Pune.

7) Rupali w/o Sunil Kasture,
 Age; 35 years, Occ;
 Housewife,
 R/o; Flat No. 13-C-Building,
 Balaji Developers Society,
 Baner, Pune-45.

...Applicants

V E R S U S

1) The State of Maharashtra,
 Through; Police Inspector,

2) Priti w/o Amol More,
 Age; 28 years, Occ; Nil,
 C/o; Subhash Baburao Raut,
 R/o; Plot No. 6, Jai Regency
 3rd Floor, Survey No. 180/2,
 Harsool, Aurangabad.

...Respondents

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 Mr.Abhishek Kulkarni, Advocate for the
 Applicants
 Mrs. V.S.Chaudhary, A.P.P. for the Respondent
 No. 1/State
 Mr.N.P. Bondar, 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.") in Crime No. 141 of 2017, registered

at Police Station, Harsul, District Aurangabad, for the offences punishable under Sections 498-A, 323, 504, 506 r/w Section 34 of the Indian Penal Code (In short 'I.P.C.')

2. It is alleged that respondent No. 2 married with applicant No. 1 on 30.4.2015 at Nashik. Applicant No. 1 is the husband of respondent No. 2, applicant No. 2 is the mother of applicant No. 1, applicant No. 3 is the father of applicant No. 1. Applicant No. 4 is the brother of applicant No. 1, applicant No. 5 is the wife of applicant No. 4 and applicant Nos. 6 and 7 are the sisters of applicant No.1.

3. Respondent No. 2 was maintained well for some days after the marriage. Thereafter, all the applicants started demanding Rs. five lacs to be brought from her parents for purchasing a plot. Applicant Nos. 6 and 7 are residents of Baner, Dist. Pune. Whenever they would come at their maternal place, they would

instigate the husband of respondent No. 2, her parents and brothers to bring Rs. Five lacs by respondent No. 2 from her parents. They would always threaten her of re-marriage of applicant No. 1. On 29.9.2015 applicant No. 1 her husband and one Shirish Thorat dropped her at her maternal place, in Swift Car and told her not to come till the amount of Rs. Five Lacs is brought. Despite lodging application for re-assessment for cohabitation in the Family Court dated 3.4.2017, applicants did not take her back. Therefore, she filed this complaint against applicants.

4. Heard, Mr. Abhishek Kulkarni, learned counsel for the Applicants, Mrs. V.S.Chaudhary, learned A.P.P. for the Respondent No. 1/State and Mr. N.P.Bondar, learned counsel for Respondent No. 2 (appointed).

5. During the course of arguments the learned counsel for applicants sought

permission to withdraw the application to the extent of applicant Nos. 1 to 4. He was permitted to do so.

6. So far as applicant Nos. 5, 6 and 7 are concerned, allegations against them are general in nature. Applicant Nos. 1 to 4 are residents of Trimbakeshwar, Dist. Nashik. Applicant Nos. 6 and 7 who are sisters of applicant No. 1, are residents of Baner, Dist. Pune. Applicant No. 5 is the wife of applicant No. 4, who is brother of applicant No. 1. Allegations against applicant Nos. 5 to 7 are general in nature. It cannot be comprehended that applicant Nos. 6 and 7 would be going to Trimbakshwar every now and then and instigate the applicants. No specific act is attributed against applicant Nos. 5 to 7. Therefore, on the basis of the said vague allegations, it cannot be said that any cognizable offence is said to have been made out against the applciants. In this view of the matter, the

continuation of the prosecution against them would be an abuse of process of the Court. In view of this, following order is passed :

ORDER

1) Application to the extent of applicant No. 1 to 4 is disposed of as withdrawn.

2) Application to the extent of applicant Nos. 5 to 7 is allowed in terms of prayer Clause (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. N.P. Bondar, appointed on behalf of Respondent No. 2, in this matter.

(M.G. SEWLIKAR, J.)

(T.V. NALAWADE, J.)