

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 3720 OF 2019

1. Rishikesh S/o Madhukar Ajabe,
Age : 29 years, Occu. Private Service,
R/o: 506, Jivan Vihar, Renio Colony,
Talegaon, Chakan Road,
Talegaon Dabhade, Pune.
2. Madhukar S/o Ganpat Ajabe,
Age: 65 years, Occu. Agri.
R/o Vitthal Nagar, Dhanora Road,
Beed, Tq. & Dist. Beed.
3. Nanda w/o Madhukar Ajabe,
Age : 62 years, Occu. Household,
R/o : As above.
4. Pallavi W/o Parasram Hambarde,
Age : 32 years, Occu. Household,
R/o: Pandhari, Tq. Ashti,
Dist. Beed at present
R/o: Gajanan Colony, Kada,
Tq. Ashti, Dist. Beed.
5. Parasram s/o Machindra Hambarde,
Age: 33 years, Occu. Service,
R/o: As above.
6. Pratibha w/o Chatrabhuj Godbole,
Age: 36 years, Occu. Service,
R/o: Sadegaon, Tq. Ambad,
Dist: Jalna, At present
R/o: Ambad, Tq. Ambad,
Dist. Jalna.
7. Chatrabhuj s/o Laxman Godbole,
Age: 43 years, Occu. Service,
R/o As above.
8. Ganesh S/o Madhukar Ajabe,
Age: 33 years, occu. Service,
R/o: Vengurla, Tq. Vengurle,
Dist. Sindhudurg.
Earlier r/o Behind Remand Home
Dhanora Road, Beed.

... APPLICANTS
(Ori. Accused)

V E R S U S.

1. The State of Maharashtra,
Through Police Inspector,
Beed Rural Police Station, Beed,
Tq. & Dist. Beed.
2. Swati w/o Rishikesh Ajabe,
Age: 28 years, Occu. Household,
R/o Balu Jagannath Ingole,
R/o: Aher Dhanora,
Tq. & Dist. Beed.

.... RESPONDENTS

...
Mr. Ankush N. Nagargoje, Advocate for applicants
Mr. Y.G. Gujrathi, APP for respondent No. 1 – State
Mr. R.C. Bramhankar, Advocate h/f Mr. N.L. Jadhav, Advocate for R. No. 2

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

DATE : 2nd DECEMBER, 2020

ORAL JUDGMENT : (PER : T.V. NALAWADE, J.)

Rule. Rule made returnable forthwith. By consent heard learned counsel for both the sides for final disposal.

2. Present proceeding is filed for quashing First Information Report bearing Crime No. 293 of 2019 registered with Beed Rural Police Station, Beed, District Beed for the offences punishable under Sections 498-A, 323, 504 and 506 read with Section 34 of the Indian Penal Code.

3. The crime is registered on the basis of report given by present respondent No. 2, first informant. In the FIR, respondent No. 2 has contended that her marriage with applicant No. 1 – Rishikesh took place on 20-03-2016. After marriage she cohabited with applicant No. 1 at his residential place "Rushikesh Sadan", Takshshila Nagar, Beed. It is contended that for first few days she was treated well by her husband, parents of her husband, brother of the husband, married sisters of the

husband and other relatives of husband, but after few days they started harassing her. It is contended that first harassment was started by saying that gold needle and silver thread was not given to them in the marriage as per the custom in the region. It is contended that then applicants started asking her to bring Rupees Ten Lakh from her parents by saying that they wanted to purchase Innova Car. It is contended that when informant expressed inability to meet their demand as her parents are poor, she was driven out of the matrimonial house. It is the contention of informant that she started staying with her parents in Beed city and there she delivered a female child. It is contended that after the delivery, she was sent back to the matrimonial house for cohabitation. It is her contention that for few days she was treated well and then applicants again started demand of Rupees five Lakh by saying that applicant-Parsaram Hambarde, husband of sister of husband of the informant was to deposit the amount with one institution. It is contended that to force her to bring that money from her parents and she was driven out of the matrimonial house. It is contended that due to this incident she started residing with her parents at village Aher Dhanora. It is contended that on 23-06-2019, all the applicants came to village Aher Dhanora and said to the parents of informant that they were ready to take back the informant, if they are ready to meet the demand. It is contended that when she and her parents showed inability to meet the demand, her husband beat her and said that he would marry with another lady. The report came to be given on 10-10-2019.

4. Learned counsel for the applicants submitted that applicants No. 4 to 8 are residents of different places and they were not living with

husband of informant or parents of her husband. Applicant No. 4 is married sister of the husband of informant, applicant No. 5 is husband of applicant No. 4. Applicant No. 6 is other married sister of husband of informant and applicant No. 7 is husband of applicant No. 6. Applicant No. 8 is brother of husband of informant and is in service at Vengurla Sindhudurg district.

5. The vague allegations are made against respondents No. 4 to 8 that they were also involved in making demand of money to the informant. Some record is produced by the applicants to show that applicant – Parasram Hambarde was appointed as Shikshansevak in School from Tahsil Ashti District Beed on 17-06-2019. The allegation shows that demand of money was made on 23-06-2019 for depositing the amount in the Institution of this applicant. He was already gainful employee, therefore, there was no question of giving money by him to the Institution.

6. There is specific contention in the petition that as husband of the informant was working in one company from Pune, he was living there. It is contended that informant was cohabiting with her husband at Pune. In reply filed by informant, this specific contention is not disputed. Thus, there is clear probability that the informant was cohabiting with applicant No.1 husband in Pune and others had no occasion to give ill-treatment to her. However, she was bound to return to native place where the parents of applicant No. 1 – husband were living. There are specific allegations made against the parents of the informant that there was ill-treatment to her from them. There was a demand of gold needle and silver thread, which is required to be given as per custom at this region. Such demands

are made by in-laws. Thus, it can be said that there was opportunity and occasion for applicants No. 1 to 3 to give ill-treatment to the informant. But, there was no reason or opportunity to other applicants. Applicant No. 8 is brother of informant and he was employee too in one Institution from Tahsil Vengurla, District Sindudurg as teacher. This record and record of Adhar cards placed on record by the applicants are consistent with the contention of applicants No. 4 to 8. Due to this circumstance, the relief can be given to the applicants No. 4 to 8. When this Court expressed opinion that relief cannot be given to applicants No.1 to 3, learned counsel for the applicants, on instructions, submits that he wants to withdraw the proceedings in respect of these applicants. In the result, following order:

:: ORDER ::

- I) The Criminal Application in regard to applicants No. 1 to 3 stands disposed of as withdrawn.
- ii) The Criminal Application in regard to applicants No. 4 to 8 stands allowed.
- iii) The relief is granted to them in terms of prayer clause "A".
- iv) Rule is made absolute in those terms in favour of applicants No. 4 to 8.

Sd/-

[M.G. SEWLIKAR]
JUDGE

Sd/-

[T. V. NALAWADE]
JUDGE