

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

Criminal Writ Petition No.1864 of 2019

- 1) Niteen s/o Hanmant Panchal,
Age 36 years, Occu : Private Job,
R/o Bharat Force Co. Mudwa,
Hadapsar, Pune
Permanent address
Panchavati Nagar, M.I.D.C.
Latur.
- 2) Suman Hanmant Panchal,
Age 56 years, Occu : Household,
R/o. Panchavati Nagar, M.I.D.C.
Latur.
- 3) Hanmant s/o Venunath Panchal,
Age 58 years, Occu : Service,
R/o. Panchavati Nagar, M.I.D.C.
Latur.
- 4) Sachin s/o Hanmant Panchal,
Age 33 years, Occu : Business,
R/o. Panchavati Nagar, M.I.D.C.
Latur.
- 5) Bhagyashri Amol Ratnapalake,
Age 26 years, Occu : Household,
R/o Majalgaon, Taluka Majalgaon,
District Beed.
- 6) Rashmi Ashok Raut,
Age 28 years, Occu : Household.
R/o Chandan Nagar, Pune,
Post Chapadgaon. **.. Petitioners.**

Versus

- 1) The State of Maharashtra
Through Police Station Officer,
M.I.D.C. Police Station, Latur.

- 2) Swati w/o Niteen Panchal,
Age 33 years,
Occupation: Household,
R/o Near Narhare Classes,
Prakash Nagar, M.I.D.C.,
Latur.

.. Respondents.

Shri. Avinash A. Phad, Advocate, for petitioners.

Smt. D.S. Jape, Additional Public Prosecutor, for
respondent No.1.

Shri. N.D. Kendre, Advocate, for respondent No.2.

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

Date: 23 JANUARY 2020

JUDGMENT (Per T.V. Nalawade, J.):

1) Rule. Rule made returnable forthwith. By
consent heard both the sides for final disposal.

2) The present proceeding is filed for the relief of
quashing of F.I.R. No.350/2019 registered with M.I.D.C.
Police Station Latur for offences punishable under
sections 498-A, 323, 504, 34 of the Indian Penal Code.
Crime is registered on the basis of report given by
respondent No.2 Smt. Swati. Petitioner No.1 is husband

of Swati. Petitioner Nos.2 and 3 are parents of petitioner No.1. Petitioner No.4 is real brother of petitioner No.1, petitioner No.5 is sister of petitioner No.1 and petitioner No.6 is the sister of the husband from maternal side.

3) The marriage between the informant and petitioner No.1 took place in the year 2010. It is the contention of the informant that after the marriage she started cohabiting with the husband at Manjri locality of Pune. It is her contention that for few days there was no ill-treatment but after that the husband started quarreling by saying that sufficient gifts were not given to him in the marriage and then he asked her to live in Latur where his parents were living. It is her allegations that in Latur the parents of the husband started harassing her by saying that her husband was in need of money for purchasing flat in Pune. It is her contention that the parents of the husband and his sister Bhagyashri started asking her to bring Rs. Ten lakh from her parents for purchasing flat.

4) It is the contention of the informant that petitioner No.6, the distantly related sister of the husband

then started visiting the house at Latur and she started saying that she had affair with petitioner No.1. It is her contention that she became pregnant but after that also petitioner No.6 kept visiting Latur to tease her. It is contended that petitioner No.6 was also harassing her in the aforesaid way.

5) It is the contention of the informant that in the year 2012 her ornaments were snatched and taken by her mother-in-law and then she was driven out of the matrimonial house by the parents of her husband and the brother of the husband. It is contended that she delivered a child in the house of her parents but nobody came to see the face of the child. It is contended that when her relatives on parents' side requested the husband and the relatives to take the informant back to the matrimonial house, they said that their demand of Rs. Ten lakh needs to be met with first. It is contended that she approached to the Grievance Redressal Forum and there settlement took place and she returned to the matrimonial house. The F.I.R. came to be filed on 4-10-2019 and it is her contention that about one year prior to the date of the

F.I.R. she was again driven out of the matrimonial house and since then she is living with her parents.

6) The aforesaid contentions of the informant, if considered as they are, it can be said that the allegations against the husband and his parents are serious that they had made demand of Rs. Ten lakh. There are no specific allegations against the brother of the husband and he was not to be benefited by that amount. Petitioner No.5 was married at the relevant time and she was living in Majalgaon, District Beed. Thus she had no opportunity to harass the informant. The allegations as against her are very vague and no particulars like place, date and month of the incidents are given. Similarly allegations made against petitioner No.6 who is married lady are also vague and they are of pre-2012 period. Admittedly, after 2012 the informant had returned to the matrimonial house and she had cohabited with petitioner No.1 till 2018. There are no allegations that after 2012 petitioner No.6 had visited the matrimonial house of the informant for any reason. Thus, the allegations as they are in the F.I.R. as against petitioner Nos.4 to 6 are not sufficient to make out

a case of cruelty as mentioned in section 498-A of the Indian Penal Code. However, there are specific allegations against the husband and the parents of the husband of the aforesaid nature.

7) When this Court expressed that this Court is not inclined to grant any relief in favour of petitioner Nos.1 to 3, learned counsel for these petitioners submitted that he wants to withdraw their proceeding. In the result, following order :-

8) The petition of petitioner Nos.1 to 3 is disposed of as withdrawn. The petition of petitioner Nos.4 to 6 is allowed. Relief is granted in favour of petitioner Nos.4 to 6 in terms of prayer clause (B). Rule made absolute in those terms.

Sd/-
(M.G. SEWLIKAR, J.)

Sd/-
(T.V. NALAWADE, J.)

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