

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

Criminal Writ Petition No.2051 of 2019

- 1) Baburao s/o. Raghunath Karmale,
Age 53 years, Occupation : Service,
R/o Vikram Nagar, Latur.
- 2) Rajashri w/o. Baburao Karmale,
Age 47 years,
Occupation : Household,
R/o Vikram Nagar, Latur. **.. Petitioners.**

Versus

- 1) The State of Maharashtra.
- 2) Prabhavati w/o. Raviprakash Karmale,
Age 30 years, Occupation : Household
R/o Gategaon, Taluka & District Latur
Presently R/o Halgara,
Taluka Nilanga, District Latur. **.. Respondents.**

Shri. Vikrant S. Valse, Advocate, for petitioners.

Shri. K.S. Patil, Additional Public Prosecutor, for
respondent No.1.

Shri. Dinkar G. Kamble, Advocate, for respondent No.2.

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

Date: 10 FEBRUARY 2020

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

- 1) Rule. Rule made returnable forthwith. Heard
both sides for final disposal.

2) The proceeding is filed for the relief of quashing of F.I.R.No.177/2016 which is registered in Aurad Sahajani Police Station, District Latur for offences punishable under sections 498-A,323,504,506,34 of the Indian Penal Code. Heard both the sides.

3) The crime is registered on the basis of report given by respondent No.2. Applicant No.1 is said to be uncle of the husband of the informant and applicant No.2 is said to be the wife of applicant No.1. The marriage of respondent No.2 took place on 15-5-2011 and she cohabited with her husband in village Gategaon, Tahsil and District Latur. She delivered a child on 13-7-2012. Her husband was working in Mumbai as software engineer. It is her contention that present applicants and other relatives started saying that other bride who was beautiful was available and the parents of the bride were ready to give handsome dowry. It is her contention that they impressed upon her husband that he can give divorce to her and he can marry other wife. It is her contention that due to such instigation the husband started asking her to bring Rs. Five lakh from parents as he wanted to purchase

a flat in Mumbai. It is her contention that as the demand was not met with, she was harassed. It is her contention that for some time she had stayed in Mumbai with her husband but on 31-12-2015 her husband left that place and did not turn up. It is her contention that she gave missing report on 1-1-2016 but the husband did not keep contact with her for about six months. It is contended that when she gave complaint against husband after realizing that he was available he started avoiding to contact. It is contended that her husband came to Mumbai and he took her to village Gategaon. It is her contention that her in-laws were not in Gategaon and nobody was living there but she was left there and so she approached the Grievance Redressal Cell.

4) The allegations made against present applicants are very vague in nature. They are residents of different place and they had apparently no reason to interfere in the affairs of the family of respondent No.2. As the allegations are vague in nature and no particulars like month or occasion are given, this Court holds that it will be abuse of process of law if the applicants are made

to face the trial for the aforesaid offences. In the result, the application is allowed. Relief is granted in terms of prayer clause (B). Rule made absolute in those terms.

(M.G. SEWLIKAR, J.)

(T.V. NALAWADE, J.)

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