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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR**

CRIMINAL APPLICATION (APL) NO.83/2016

1. Suresh Shivramji Gorle,
Aged – 74 years, occupation – retired,
R/o Sukhshree, Station Area, Murtizapur,
District Akola.

2. Sau.Shakuntala Suresh Gorle,
Aged – 65 years, occupation housewife,
R/o Sukhshree, Station Area, Murtizapur,
District Akola.

3. Ku.Aparna Suresh Gorle,
Aged about 32 years, occupation education,
R/o Sukhshree, Station Area, Murtizapur,
District Akola.

4. Sau.Archana Ravindra Raut,
Aged about 42 years, occupation housewife,
R/o Lokmanya Nagar, Parbhani.

..... **Applicants..**

:: VERSUS ::

1. State of Maharashtra, through Police
Station Officer, Police Station
Ranapratap Nagar, Nagpur.

2. Sau.Priti Yogeshkumar Gorle,
Aged about 32 years, occupation private,
R/o 30, Central Excise Colony,
Telecom Nagar, Near Ranapratap
Nagar, Nagpur – 440 025.

..... **Non-applicants.**

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Shri A.V.Band, Counsel for Applicants.
Shri S.M.Puranik, Counsel for Non-applicant No.2.
Shri N.S.Rao, Additional

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CORAM : **VM.DESHPANDE, &**
ANIL S.KILOR, JJ.
DATE : **DECEMBER 14, 2020**

ORAL JUDGMENT (Per : V.M.Deshpande, J.)

1. This is an application for quashing of First Information Report registered with Ranaprata Nagar Police Station, Nagpur. The said First Information Report is registered on report lodged by non-applicant No.2. On 19.12.2015, non-applicant No.2 lodged her report against applicants and her husband Yogesh Suresh Gorle, who is not before this Court in this proceeding.

2. At the time of hearing, learned counsel Shri A.V.Band for applicants, tendered a death certificate of applicant No.1- Suresh Shivramji Gorle, which is taken on record and marked as "Exhibit X" for identification. The said death certificate is issued by the Registrar, (Birth and Death), Municipality, Murtizapur and intimation about death was registered with authority on

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26.7.2016. Applicant No.1 passed away on 24.7.2016 at Murtizapur. In view of the death of applicant No.1, offence against him in First Information Report No.456/2015 stands abated and it is accordingly ordered.

3. Heard learned counsel A.V.Band for applicants, learned counsel Shri S.M.Puranik for non-applicant No.2, and learned Additional Public Prosecutor Shri N.S.Rao for non-applicant No.1/State. With their able assistance, we have gone through report lodged by non-applicant No.2 dated 19.12.2015 on the basis of which crime was registered.

4. As per the report lodged by non-applicant No.2, marriage of non-applicant No.2 was performed with Yogesh s/o Suresh Gorle on 2.12.2010. Applicant No.1, the deceased, was father-in-law of non-applicant No.2, whereas applicant No.2 is her mother-in-law and applicant Nos.3 and 4 are sisters-in-law being unmarried and married sisters of Yogesh.

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5. In the First Information Report itself, it is stated that applicant No.4 stays with her husband at Parbhani and the remaining applicants used to stay at Murtizapur. Yogesh, the husband of non-applicant No.2, who is not before the Court, practises at District Court at Nagpur and he used to stay at Nagpur only. As per the First Information Report, after marriage for about one month, non-applicant No.2 stayed at matrimonial house at Murtizapur. According to allegations made, that time applicants used to instigate the husband of non-applicant No.2 for demand of money. Even as per the First Information Report, after one month of marriage, non-applicant No.2 started residing at Nagpur along with her husband at Sahakar Nagar, Nagpur and there he started giving ill-treatment to her. He used to beat non-applicant No.2. According to the First Information Report, sometimes applicants used to visit house at Sahakar Nagar, Nagpur, however, there is no allegation against applicants that at any point of time they maltreated or ill-treated non-applicant No.2. In the First Information Report, it is alleged that in first Diwali Celebration, when non-applicant No.2 along with her husband went to

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Murtizapur, applicants demanded money and there also the husband assaulted non-applicant No.2. The First Information Report further states that in January 2012, she was also assaulted by her husband. It is further stated in the First Information Report that due to ill-treatment by applicants she left company of her husband and started residing in her parental house.

6. During course of submissions, it is reported to this Court that non-applicant No.2 is residing separately from her husband from year 2015 and she has delivered a boy child and the said boy is in her custody.

7. Specific allegations are not made against applicants. Allegations made in the First Information Report against applicants are very general in nature. We are not considering the case of Yogesh, the husband of non-applicant No.2. Before this Court, mother-in-law and sisters-in-law of non-applicant No.2 are challenging the First Information Report. During course of investigation, Investigating Officer recorded statements of Nikhil and Sachin, who are brothers of non-applicant No.2. Their

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statements show that insofar as demand of money from applicants is concerned, the said is hearsay. However, in their statements it is specifically stated that non-applicant No.2 was assaulted by her husband. Similarly, statement of Subhash, who is uncle of non-applicant No.2, is also on same line. Smt.Usha, is mother of non-applicant No.2. Her statement was also recorded. She also attributes only general allegations. No specific allegations are made against applicants.

8. The chargesheet is not filed. Investigation is already complete. Perusal of investigation papers shows that evidence is against the husband and not against present applicants. In this view of the matter, continuing proceedings on the basis of First Information Report against applicants will be an abuse of process of law inasmuch there is no sufficient material in the entire investigation papers which were tendered before us by learned Additional Public Prosecutor for the State for our perusal.

9. In view of the above, we pass following order:-

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ORDER

(1) The criminal application is allowed.

(2) First Information Report No.456/2015 registered with Ranapratap Nagar Police Station, Nagpur against applicant No.1 is hereby disposed of as abated against applicant No.1.

(3) First Information Report No.456/2015 registered with Ranapratap Nagar, Nagpur against applicant Nos.2 to 4 is hereby quashed and set aside.

(4) Needless to mention that proceedings initiated, if any, on the of the First Information Report against present applicants only are quashed and set aside. The criminal case may continue against Husband Yogesh.

The Rule is made absolute in the aforesaid terms.

JUDGE

JUDGE !!

BRW !!

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