

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

CRIMINAL APPLICATION NO. 3307 OF 2019

1. Bharat Ravan Beldar
Age : 28 years, Occ : Service
R/o. Tikhi, Taluka Dhule, District Dhule.
2. Ravan Dashrath Beldar
Age : 52 years, Occ : Nil
R/o. Tikhi, Taluka Dhule, District Dhule.
3. Akkabai Ravan Beldar
Age : 47 years, Occu : Housewife
R/o. Tikhi, Taluka Dhule, District Dhule.
4. Sharad Ravan Beldar
Age : 26 years, Occ : Service in Army,
R/o. Tikhi, Taluka Dhule,
District Dhule.

.... APPLICANTS

VERSUS

1. The State of Maharashtra
2. Sangita Bharat Beldar
Age : 21 years, Occ : Housewife
R/o. Near Sadguru Baithak Hall,
Kusumba, Taluka Jalgaon, Dist. Jalgaon.

.... RESPONDENTS

Shri. A. S. Sawale, Advocate for the applicants
Mrs. V. N. Patil-Jadhav, APP for respondent No. 1/State
Shri. V. P. Patil, Advocate for respondent No. 2.

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

DATED : 24-02-2021

ORAL JUDGMENT (PER :- M. G. SEWLIKAR, J.)

1. Rule. Rule made returnable forthwith. At the stage of admission,
heard finally with the consent of all the parties.

2. By this application under Section 482 of the Code of Criminal Procedure for quashing of the Crime No. 516 of 2019 dated 05/07/2019 registered with MIDC Police Station, Jalgaon for the offences punishable under Sections 498A, 406, 323, 504, 506 read with Section 34 of the Indian Penal Code.

3. It is alleged in the FIR that applicant No. 1 married respondent No. 2 on 07/05/2017. Applicant No. 2 is the father of applicant No. 1 and applicant No. 3 is the mother of applicant No. 1. Applicant No. 4 is the brother of applicant No. 1.

4. It is alleged in the FIR that after marriage applicants maintained respondent No. 2 for some days. Thereafter she was subjected to illtreatment by the applicants. Applicant No. 1 started harassing respondent No. 2 on the ground that she should bring Rs. 5 lakhs from her parents for purchasing a flat at Mumbai. Respondent No. 2 expressed her inability to satisfy their demand as the financial position of parents of respondent No. 2 is poor. It is further alleged that applicant No. 2 used to beat her whenever he came back to her matrimonial place. It is alleged that applicant No. 2 is working in Army. On these allegations FIR came to be lodged on 05/07/2018.

5. Heard Shri. A. S. Sawale, learned counsel for the applicants, Mrs. V. N. Patil-Jadhav, learned APP for respondent No. 1/State and Shri. V. P. Patil, learned counsel for respondent No. 2.

6. Learned counsel Shri. Patil submitted that specific allegation is

made against applicant No. 4. It is specially alleged that whenever he used to come to matrimonial place of respondent No.2, he would subject to her to illtreatment. He argued that this clearly shows that specific allegations are made against applicant No.4.

7. When this Court expressed its disinclination to grant any relief to applicant Nos.1 to 3, learned counsel Shri. Sawale for applicant Nos. 1 to 3 sought permission to withdraw the application to the extent of applicant Nos. 1 to 3.

8. So far as applicant No. 4 is concerned the only allegation against applicant No. 4 is that he is working in Army and whenever he came back to her matrimonial place, he used to beat her and subject her to illtreatment. On reading the entire FIR, the only allegation that seems to have been made against applicant No. 4 is the one stated above. All the allegations are against applicant Nos. 1 to 3.

9. The aforesaid allegations against applicant No. 4 is too vague as it could be. The details as regards date, time are not mentioned in the FIR. On the basis of such a vague allegation it cannot be said that any cognizable offence is made out against applicant No. 4. Therefore, continuation of prosecution against applicant No. 4 on the basis of these vague allegations is nothing but an exercise in futility. In this view of the matter, even if the allegations are accepted at their face value, it cannot be said that these allegations would lead to the conviction the accused/applicant No. 4. In this view of the matter, we are inclined to allow the application to the extent of

applicant No. 4. Having regard to this following order is passed.

ORDER

- (I) Application of applicants No. 1 to 3 is disposed of as withdrawn.
- (II) Application of applicant No. 4 Sharad Beldar is allowed. Relief is allowed in terms of Prayer Clause (B) and (B-1). (B-1) is the prayer clause which is added for adding the relief of quashing of the case itself.
- (III) Rule made absolute in those terms.

[M. G. SEWLIKAR, J.]

[T. V. NALAWADE , J.]