

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

947 CRIMINAL APPLICATION NO.1039 OF 2021

- 1) Shailesh Ravindra Borude.
- 2) Alka Ravindra Borude.
- 3) Nilesh Ravindra Borude.
- 4) Raju Rangnath Talekar. **... Applicants**

Versus

- 1) The State of Maharashtra.
- 2) Jayshree Shailesh Borude. **... Respondents**

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Mr. Shriraj R. Wakale, Advocate for Applicants.

Mr. S. J. Salgare, APP for Respondent/State.

Mr. Tushar M. Tandale, Advocate for Respondent No.2.

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**CORAM : SARANG V. KOTWAL AND
BHARAT P. DESHPANDE, JJ.**

DATE : 01st July, 2022.

PER COURT:

. Leave to amend. The amendment shall be carried out forthwith.

2 This is an application for quashing of the proceedings of R.C.C. No.55 of 2022 pending on the file of learned Judicial Magistrate First Class, Jamner.

3 At the outset, learned counsel for the applicants states that he is not pressing this application for applicant Nos.1, 2 and 3. Therefore, the application is dismissed as far as applicant Nos.1, 2 and 3 are concerned. We are considering this application only for the applicant No.4.

4 The FIR is lodged by one Jayshree Borude. She got married with the applicant No.1 Shailesh. The applicant No.4 was maternal uncle of Shailesh.

5 In this case, investigation is over and the charge-sheet is filed.

6 Heard Mr. Shiraj Wakale, learned counsel for the applicants, Mr. S. J. Salgare, learned APP for the State and Mr. Tushar Tandale, learned counsel for the respondent No.2.

7 Learned counsel for the applicants submitted that the applicant No.4 is a distant relative. He was not residing with the couple. There are no direct allegations against him about causing any harassment, which would attract the provisions of Section 498-A of the Indian Penal Code or any other offence in this case. Learned counsel

for the respondent No.2 submitted that the applicant No.4 did not support the informant when she was suffering from harassment and therefore, the offence is made out. Learned APP also supported his contentions.

8 We have considered these submissions. We have perused the FIR as well as the charge-sheet. The FIR mentions that Jayshree got married with the applicant No.1 on 30th December, 2015. In the marriage, her parents had spent expenditure. They have given gold ornaments and other expenses. After the marriage, she started residing with her husband, mother-in-law and brother-in-law. Her husband was professor at Pune. He used to visit her matrimonial joint house at Ahmednagar over the weekend. It is alleged that the brother-in-law used to take advantage of the informant's husband's absence and used to behave in objectionable manner. However, none of the other accused including the present applicant No.4 took her seriously and did not stop the informant's brother-in-law applicant No.3 from behaving in that manner. There are allegations that the mother-in-law was harassing her because her father had not given sofa set etc. After three months of the marriage, the informant was deserted and was left at her parents house. After some mediation, she was sent back to Pune by her husband applicant No.1. There are allegations that applicant No.4 used to instigate the applicant No.1 through telephonic

talks. In May 2017, again the applicant No.1 deserted the informant. When she made grievance with the applicant No.4, who had mediated in bringing about the marriage; at that time, he did not take her side and instead told her that the applicant No.1 did not like her. After that, she went back to reside with her parents. On this basis, the FIR is lodged. The charge-sheet contains the statements of parents, brother and other acquaintances from her parents' side.

9 As far as applicant No.4 is concerned, he had acted as middleman in bringing about the alliance between the applicant No.1 and the informant. Therefore, the informant was having reason to get annoyed with him as he had not taken her side when there was harassment at the hands of her husband and his family. There are allegations that the applicant No.4 used to telephonically instigate the applicant No.1. However, these allegations are general and vague. The applicant No.4 was not even residing with the informant and her husband either at Ahmednagar or at Pune. Therefore, it is difficult to believe that the applicant No.4 was in any way responsible in causing harassment to the informant at the hands of her husband and his family. He is roped in because he was responsible for the marriage and the informant was blaming him for that. In this view of the matter, continuation of criminal proceedings against the applicant No.4 is not justified. Hence, the following order:

ORDER

- I. The application is partly allowed in terms of prayer clause (B).
- II. The proceedings vide R.C.C. No.55 of 2022 pending on the file of learned Judicial Magistrate First Class, Jamner, are quashed and set aside qua the present applicant No.4 Raju Rangnath Talekar only.
- III. The application of other accused i.e. applicant Nos.1 to 3 is dismissed.
- IV. The application is disposed of accordingly.

[BHARAT P. DESHPANDE, J.]

[SARANG V. KOTWAL, J.]

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