
(2015) 04 BOM CK 0345

In the Bombay High Court

Case No : Criminal Application No. 698 of 2015

Ishwar and Others

APPELLANT

Vs

The State of Maharashtra and Others

RESPONDENT

Date of Decision : 24-04-2015

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 482
Penal Code, 1860 (IPC) — Section 323, 34, 498-A, 504

Citation : (2015) ALLMR(Cri) 3428

Hon'ble Judges : T.V. Nalawade and I.K. Jain, JJ.

Bench : Division Bench

Advocate : N.L. Dhobale, Advocate, for the Appellant; K.M. Suryawanshi, APP and P.D. Suryawanshi, Advocate, for the Respondent

Final Decision : Disposed Off

Judgement

I.K. Jain, J.—Rule. Rule made returnable forthwith. By consent of the parties, the criminal application is heard finally. Learned APP is also heard.

2. This application under Section 482 of the Code of Criminal Procedure is for quashing the charge-sheet bearing No. 74 of 2014, pending before the learned Judicial Magistrate First Class, Latur, arising out of Crime No. 7014 of 2014, registered with Murud Police Station, for the offences punishable under Sections 498-A, 323, 504 read with 34 of the Indian Penal Code.

3. In brief, the facts giving rise to the present application may be stated as under:

Respondent No. 2 - Pradeep Kale is resident of Borgaon (Kale), Taluka and District Latur. His sister - Rekha was married to Applicant No. 1 - Ishwar on 24th April, 2012. After 2-3 months of marriage, she was ill-treated on demand of Rs. 5,00,000/- for purchase of a tractor. On 4th October, 2012, poison was administered to her. She was treated in the hospital and ultimately saved. According to Complainant, Rekha was often beaten with kicks and fists. As there

was no improvement in the behavior of husband and in-laws of Rekha, Pradeep had to lodge report with Police Station on 27th June, 2013. On the basis of report, aforesaid crime came to be registered against the husband, parent in-laws, brother in-law and his wife and sister in-law.

4. We have perused FIR and case papers. Statement of Rekha was recorded during investigation on 28th June, 2014. From her statement and the statements of other witnesses recorded during investigation, it is apparent that there was no specific allegation against Applicant No. 6 -- Mira, real sister in-law of Rekha. On its face, FIR and the material collected during the investigation do not constitute any offence against Applicant No. 6. We are, therefore, of the view that to prevent the abuse of process of law, discretion needs to be exercised in respect of Applicant No. 6 - Mira.

5. In this premise, Criminal Application No. 698 of 2015, is partly allowed to the extent of Applicant No. 6 - Mira Pramod Gangane. Proceedings in Charge-sheet No. 74 of 2014, pending before the learned Judicial Magistrate First Class, Latur, arising out of Crime No. 7014 of 2014, registered with Murud Police Station, Taluka and District Latur, for the offences punishable under Sections 498-A, 323, 504 read with 34 of the Indian Penal Code, are hereby quashed and set aside.

6. Learned counsel for Applicant Nos. 1 to 5 submitted, on instructions, that he wants to withdraw the application for Applicant Nos. 1 to 5. Being withdrawn, Criminal Application in respect of Applicant Nos. 1 to 5 stands disposed of. Rule is made partly absolute in aforesaid terms.