
(2015) 04 BOM CK 0381
In the Bombay High Court
Case No : Criminal Application No. 646 of 2015

Kumar

APPELLANT

Vs

The State of Maharashtra and Others

RESPONDENT

Date of Decision : 29-04-2015

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 482
Penal Code, 1860 (IPC) — Section 323, 34, 498-A, 504, 506

Citation : (2015) ALLMR(Cri) 4211

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

Bench : Division Bench

Advocate : K.B. Autade, Advocate, for the Appellant; R.K. Ladda, A.P.P. and S.S. Shete, Advocate, for the Respondent

Judgement

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

2. This application is under Section 482 of the Code of Criminal Procedure for quashing First Information Report in Crime No. I-353/2014 registered with CIDCO Police Station, Aurangabad for the offences punishable under Sections 498-A, 323, 504, 506 r/w 34 of the Indian Penal Code.

3. At the outset, it is to be mentioned here that learned counsel for applicants, on instructions, submitted that he wants to withdraw application in respect of applicants 1 to 3. Application, being withdrawn, needs to be disposed of to that extent.

4. So far as Applicants 4 to 14 are concerned, it can be seen from FIR lodged by Ashwini on 03.09.2014 that after marriage on 15.02.2013 with Kumar Bhanudas Dhumal, she was ill-treated by her husband, in-laws and other relatives on demand of Rs. 1 lakh for purchase of four wheeler. According to complainant, her husband and in-laws were suspecting her character. Many times she was beaten by husband and his relatives. As there was no end to harassment, since

25.12.2013 she started residing with her brother Ganesh Agale.

5. On perusal of FIR, it is apparent that applicants 4 to 14 are residing separately. On its face, FIR does not constitute any offence against applicants 4 to 14. No specific role is attributed to each of them. There is just a casual reference of the names of these applicants in FIR. In this premise, nothing can be achieved, if proceedings arising out of the said FIR are allowed to be continued to the extent of applicants 4 to 14. We find it a fit case to exercise discretion in respect to these applicants.

6. In the result, Criminal Application No. 646 of 2015 is partly allowed.

7. First Information Report in Crime No. I-353/2014 registered with CIDCO Police Station, Aurangabad for the offences punishable under Sections 498-A, 323, 504, 506 r/w 34 of the Indian Penal Code is hereby quashed and set aside to the extent of applicants 4 to 14.

8. Being withdrawn, criminal application in respect of applicant Nos. 1, 2 and 3 stands disposed of. Rule is made partly absolute in the aforesaid terms.