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**(2018) 10 BOM CK 0157**

**In the Bombay High Court**

**Case No :** Criminal Application No. 5609 of 2014

Sanjay s/o. Abhimanyu Waghmare And Others

APPELLANT

Vs

State Of Maharashtra And Another

RESPONDENT

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**Date of Decision :** 11-10-2018

**Acts Referred:**

Indian Penal Code, 1860 — Section 34, 323, 498A, 504, 506  
Code of Criminal Procedure, 1973 — Section 482

**Citation :** (2018) 10 BOM CK 0157

**Hon'ble Judges :** T.V. Nalawade, J;Vibha Kankanwadi,J

**Bench :** Division Bench

**Advocate :** Mohit R. Deshmukh, P.V. Diggikar, N.M. Chandanshive, A.L. Kanade

**Final Decision :** Partly Allowed

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**Judgement**

Â Vibha Kankanwadi, J

1.Â Present application has been filed by original accused persons invoking the inherent powers of this Court under Section 482 of the Code of

Criminal Procedure in order to quash the First Information Report vide Crime No. 25 of 2013, registered with Beed City Police Station, Beed, and the

chargeÂsheet vide RCC No. 170 of 2013 pending before Learned Judicial Magistrate (First Class), Beed, for the offences punishable under Section

498Â? A, 323, 504, 506 read with 34 of the Indian Penal Code.

2.Â Respondent No.2 got married to applicant No.1 in 2011 at Majalgaon. Applicant No.1 is the husband of respondent No.2, applicants No.2 and 3

are the parents of applicant No.1, and applicants No.4 is sister of applicant No.1 and applicant No.5 is husband of applicant No.4. Applicant No.6 is

the sister of applicant No. 2 (paternal aunt of applicant No. 1) and applicant No. 7 is her husband. Applicant No. 8 and 11Â are the brothers of

applicant No.1. Applicant No. 9 is the brother of applicant No. 2 (uncle of applicant No. 1). Applicant No. 10 is the sister of applicant No. 1.

3. Respondent No.2 informant has contended that, her father had given household articles at the time of marriage. She went to Devkheda to

cohabit with husband. She was residing with her husband, parents in law, brother in law and three sisters in law. She was treated properly for

about 6 months by all of them. Thereafter they started saying that why she has not brought fridge, gold. Applicant No. 1 started saying that he want to

start shop of Netcafe as well as cloth. He want to purchase motorcycle. He then started demanding amount of Rs.1,50,000 from respondent. They

used to abuse her, keep her starved, and assault her. They had tried to put her to fire. Respondent No. 2 had given information to her father and

maternal aunt. She went to her father's house and continued the education. She joined service at Sub District Hospital, Kej. She resided with her

husband in a rented room, there for about 4 months. She could not get salary and then all the accused started harassing her in order to bring amount of

Rs.1,50,000. She then shifted to Beed and started residing in a rented room with her mother and brother. She goes daily to Kej for service.

Applicants No. 1, 2, 5, 7 to 9 came from opposite direction, when informant and her brother had gone for marketing around 2.00 p. m. on 17.12.2013.

They told that they want to speak to her. Then after coming close to her, her husband slapped her and all the others abused. Applicant No. 9

caught hold of her hand and gave threat to kill her. Her brother was also manhandled. Therefore, she has lodged the report.

4. The applicants have contended that, though as per the custom, the marriage has to be performed at the place of girl; the marriage in this case

was performed at the place of boy. Respondent No. 2 had started residing with husband and parents in laws only. Applicants No. 4 to 10 were not

residing with them. They are residing at different places. Respondent No. 2 is serving as Nutritionist since 15.05.2012. Applicant No. 1 was residing

with her at the place of her duty, for her convenience. Respondent No. 2 was greedy for money and therefore, compelled to sell 50 R land at the time

of marriage. The family members of respondent No. 2 were interfering with the married life of respondent No. 2. The moment respondent No. 2

started getting handsome salary, her behaviour changed. She was not allowing other relatives to join her company. There is delay in lodging FIR. FIR

is based on false and concocted story. All the family members are unnecessarily involved. Therefore, they have prayed for quashment of the proceeding.

5. Heard learned Advocate Mr. M. R. Deshmukh appearing on behalf of applicants, learned Addl. Public Prosecutor Ms. P. V. Diggikar and

learned Advocate Mr. N. M. Chandanshive h/f. Advocate Mr. A. L. Kanade, appearing on behalf of respondent No.2. It will not be out of place to

mention here that, this Court vide order dt. 14.10.2014 had rejected the relief / dismissed the application as against applicants No. 1, 2, 5, 7 to 9.

6. The application was considered only for the allegations against the married sister-in-law applicants No. 3, 4, 6, 10 and 11 only. No specific role

has been attributed against them in respect of offence under Section 498A of the Indian Penal Code. Voluminous documents have been produced by

them to show that they are ordinarily residing at different places than the village of applicants No. 1 to 3. Respondent No. 2 has made allegations

against all the applicants that they were demanding amount of Rs.1,50,000/-. If at all there would have been a demand, it would have been mainly by

the husband and the father-in-law and mother-in-law. The perusal of the entire FIR would show that all of them had made the demand in chorus

which is not possible, when elders are there. Nothing was demanded by applicants No.5 and 6 for themselves as per the allegations in the FIR itself.

Moreover when applicants No. 4, 6 and 10 have produced on record the documents of separate residence, then it would be highly impossible to harass

respondent No. 2, frequently. Applicant No. 11, though resides with applicant No. 1 to 3, he was aged 18 at the time of filing of application. He would

have been minor when marriage between applicant No. 1 and respondent No. 2 had taken place. Why he would join the elders in demand? How he

can harass respondent No. 2 in order to fulfill the demand. So, it appears that, as a routine all the relatives of the husband have been roped. It would

be futile exercise to ask these applicants to face the trial. Under such circumstance, relief is required to be granted to the applicants No. 3, 4, 6, 10 and

11 by invoking the inherent powers of this Court under Section 482 of the Code of Criminal Procedure.

7. Hence, the following order.

(a) The application is partly allowed.

(b) The first information report in Crime No. 25/2013, dated 17.02.2013, registered with Beed Police Station, Charge sheet bearing No. 31/2013 and further proceedings in Regular Criminal Case No. 170 of 2013, pending before Judicial Magistrate (F.C.) / Chief Judicial Magistrate, Beed, for

offences punishable under Sections 498A, 323, 504, 506, read with Section 34 of the Indian Penal Code, to the extent of applicant nos.03 Sushila, 04

Aashabai, 06 Usha @ Sonal, 10 Neeta and 11 Aniket, are quashed and set aside.

(c) The application to the extent of applicant nos.01 Sanjay, 02 Abhimanyu, 05 Mahadev, 07 Arjun, 08 Ankush and 09 Damodar,

is hereby dismissed.

(d) Rule made absolute in the above terms.

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