

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 769 OF 2015

1. Ramchandra @ Tatya Kurundas Deokate
Age 30 years, Occupation: Agriculture
R/o Khandavi Tq. Washi Dist. Solapur
2. Kasturbai Kurundas Deokate
Age 45 years, Occupation: Household
R/o Khandavi Tq. Washi Dist. Solapur
3. Rahul Kurundas Deokate
Age 23 years, Occupation: Service
Presently working at S.P. Office, Jalgaon.

... **APPLICANTS**

VERSUS

- 1) The State of Maharashtra
Through the Police Inspector
Police Station, Paranda
District: Osmanabad.
- 2) Kantika @ Kanta Ramchandra Deokate
Age 25 years, Occupation: Household
R/o Asu, Taluka Paranda
District: Osmasnabad

... **RESPONDENTS**

Mr. Abhijit S. More, Advocate for applicants
Mr. K. S. Patil, APP for Respondent No.1-State
Mr. Anant Devakate, Advocate for respondent No.2

**CORAM : T. V. NALAWADE &
INDIRA K. JAIN, JJ.**

DATE : 16th April, 2015

JUDGMENT (Per Indira K. Jain, J.)

Rule. Rule is made returnable forthwith by consent of the parties.

Criminal application is heard finally.

2. This application under Section 482 of the Code of Criminal Procedure is filed for quashing FIR in Crime No. I-42/2013 registered with Paranda Police Station on 23.12.2013 for the offences punishable under sections 498-A, 323, 504, 506 read with 34 of the Indian Penal Code.

3. Brief facts relevant to the decision of present application may be stated as under:

- i. Respondent No.2 Kantika @ Kanta was married to applicant No.1 Ramchandra before five years of lodging FIR on 23.12.2013. She was illtreated on demand of Rs.50,000/- and one tola gold. It is alleged that on 20.08.2013, she was mercilessly beaten by her husband and in-laws. Being tired, she attempted to commit suicide by consuming poison. She was admitted to Hospital. Her father incurred the hospital expenses. Despite this incident, there was no improvement in the behaviour of her husband and in-laws.
- ii. On 31.08.2013, she was assaulted by her husband, brother in-law and mother in-law. On 01.09.2013, when complainant was at her maternal place, husband and in-laws came there and attempted to take custody of Supriya and Sarthak, daughter and son of complainant and applicant No.1. When complainant resisted the same, her mother-in-law caught hold her hair and she was dashed against the ground by her brother-in-law. Her husband slapped her that time. She reported the incident to Paranda Police Station. On the basis of report Crime No. M-42/2013

was registered.

4. According to applicants, on 05.10.2013, respondent No.2 lodged FIR in Crime No. 182/2013 with Vairag Police Station, District Solapur for the offences punishable under Sections 498-A, 323, 504, 506 read with 34 of the Indian Penal Code. In this FIR, she made the same allegations as made in the subsequent FIR lodged on 23.12.2013 at Paranda Police Station. It is contended by the applicants that two FIRs on the same allegations came to be filed just to harass the applicants and it is the misuse of process of law. They submitted that the second FIR lodged on 23.12.2013 and the proceedings in RCC No. 100 of 2014 arising out of FIR in Crime No. M-42/2013 need to be quashed and set aside.

5. We have perused the copies of FIRs in Crime Nos.M-42/2013 and Crime No. 182/2013 registered with Paranda Police Station and Vairag Police Station respectively. It is apparent that on the same set of facts two reports came to be lodged by respondent No.2 at two different places.

6. As stated by complainant she was illtreated and harassed on demand of money at her matrimonial house. So proceedings in RCC No. 100 of 2014 pending before the learned Judicial Magistrate First Class, Paranda District Osmanabad and FIR in Crime No. M-42/2013 lodged on the report of respondent No.2 on 23.12.2013 are required to be quashed and set aside to prevent the abuse of process of law. We make it clear that FIR lodged with Vairag Police Station District Solapur in Crime No.

182/2013 needs to be processed in accordance with law.

7. In the result, Criminal Application No.769 of 2015 is allowed.

8. FIR in Crime No. I-42/2013 registered with Paranda Police Station District Osmanabad on 23.12.2013 on the report of respondent No.2 for the offences punishable under sections 498-A, 323, 504, 506 read with 34 of the Indian Penal Code is hereby quashed and set aside

9. Rule is made absolute in the aforesaid terms.

[INDIRA K. JAIN, J.]

[T. V. NALAWADE, J.]

JPC