

**IN THE HIGH COURT AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD**

CRIMINAL APPLICATION NO. 6953 OF 2017

1. Mr. Suyog s/o. Balasaheb Jagtap,
Age 35 years, Occu. Advocate,
2. Mrs. Suvarna w/o. Suyog Jagtap,
Age 30 years, Occu. Housewife,
3. Balasaheb s/o. Changdev Jagtap,
Age 60 years, Occu. Agriculturist,

All are R/o. Sanvatsar, Taluka Kopargaon,
District Ahmednagar.

....Applicants.

Versus

1. The State of Maharashtra,
Through the Police Inspectors
Kopargaon City Police Station.
2. Mrs. Laxmi w/o. Mangesh Jagtap,
Age 27 years, Occu. Agriculturist,
R/o. Dashrath Wadi Sanvatsar,
Taluka Kopargaon, District
Ahmednagar.

....Respondents.

Mr. A.A. Yadkikar, Advocate for applicants.

Mr. R.V. Dasalkar, APP for respondent No. 1/State.

Mr. R.C. Bora, Advocate for respondent No. 2.

**CORAM : T.V. NALAWADE AND
K.L. WADANE, JJ.**

DATED : JUNE 25, 2018.

JUDGMENT : [PER T.V. NALAWADE, J.]

- 1) Rule. Rule made returnable forthwith. By consent, heard
both the sides for final disposal.

2) The present proceeding is filed under section 482 of Criminal Procedure Code (hereinafter referred to as 'Cr.P.C.' for short) for the relief of quashing of F.I.R. No. 158/2017 registered in Kopergaon City Police Station on 26.11.2017 for the offences punishable under sections 354, 323, 504 etc. of Indian Penal Code (hereinafter referred to as 'IPC' for short).

3) The crime is registered on the basis of report given by respondent No. 2 Smt. Laxmi. It is her contention that on 25.11.2017 she had quarrel with her brother in law Yogesh and his wife Rupali. It is her contention that the quarrel was settled by her mother in law and then her brother in law had returned from her house. It is her case that on 26.11.2017 due to quarrel of 25.11.2017 the present applicants came to her house and they picked up quarrel. Allegations are made that all the applicants then gave abuses to her in filthy language and applicant No. 1 virtually caused tear to her blouse. Allegations are made that applicant No. 2, a lady and applicant No. 3, a person aged about 60 years assaulted her and gave threats. She gave report on 26.11.2017 and thus, crime came to be registered for aforesaid offences.

4) The papers of investigation do not show that the first informant was medically examined. There are statements of close

relatives of first informant, but they are to the effect that the incident was disclosed to them by the first informant. Only because serious allegations constituting offence punishable under section 354 of IPC are made against applicant No. 1, this Court holds that relief cannot be granted in favour of applicant No. 1. There was virtually no motive to applicant Nos. 2 and 3 for the incident and no relationship of these applicants with the brother in law of the first informant is mentioned in the F.I.R. The allegations against applicant Nos. 2 and 3 are vague in nature. This Court holds that it will be abuse of process of law if the coercive action is taken against applicant Nos. 2 and 3 and they are made to face the trial for the aforesaid offences. In the result, the application of applicant Nos. 2 Mrs. Suvarna w/o. Suyog Jagtap and applicant No. 3 Balasaheb s/o. Changdev Jagtap is allowed. Relief is granted to them in terms of prayer clause 'B'. Application of applicant No. 1 Mr. Suyog s/o. Balasaheb Jagtap stands dismissed. Rule is made absolute in aforesaid terms.

[K.L. WADANE, J.]

[T.V. NALAWADE, J.]

ssc/