

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
CRIMINAL APPLICATION NO.74 OF 2018**

1. Mangesh Narsinh Rajejadhav
(Husband)
Age : 32 years, Occ. Labour,
R/o. Sanjaynagar, Galli No.2,
Baijipura,
Near Smashan Maroti Mandir,
Aurangabad
2. Narsinh Dattatray Rajejadhav
(father-in-law)
Age : 60 years, Occ. Labour,
R/o. Sanjaynagar, Galli No.2,
Baijipura,
Near Smashan Maroti Mandir,
Aurangabad
3. Rekha Narsinh Rajejadhav
(mother-in-law)
Age : 50 years, Occ. Labour,
R/o. Sanjaynagar, Galli No.2,
Baijipura,
Near Smashan Maroti Mandir,
Aurangabad
4. Govind Narsingh Rajejadhav
(brother-in-law)
Age : 27 years, Occ. Labour,
R/o. Sanjaynagar, Galli No.2,
Baijipura,
Near Smashan Maroti Mandir,
Aurangabad

..Applicants

Vs.

1. The State of Maharashtra,
2. Priti Mangesh Rajejadhav,
Age : 28 years, Occ. Household,
r/o. New Hanumannagar,

Galli No.4, Mukundwadi,
Aurangabad

..Respondents

Mr. K.D.Jadhav, Advocate for petitioners
Mrs. D.S.Jape, APP for respondent no.1
Mr. U.L.Momale, Advocate for respondent no.2

**CORAM : T.V. NALAWADE AND
R.G. AVACHAT, JJ.
DATE : SEPTEMBER 04, 2019**

JUDGMENT (PER R.G. AVACHAT, J.) :-

Rule. Rule made returnable forthwith. Heard finally with the consent of learned Counsel for the parties.

2. By this application under Section 482 of the Code of Criminal Procedure, the applicants seek quashment of the FIR, being Crime No.693 of 2015, registered with Mukundwadi Police Station, Aurangabad, for the offences punishable under Sections 498-A, 323 and 506 read with Section 34 of the Indian Penal Code and the consequential charge-sheet.

3. Upon hearing the matter for sometime, learned Counsel for the applicants, on instructions, seeks permission to withdraw the application so far as regards applicant nos.1 to 3 are concerned.

4. Permission granted. The application stands disposed of as withdrawn as regards applicant nos.1 to 3 are concerned.

5. Learned Counsel for the applicants would submit that the allegations in the FIR so far as applicant no.4 is concerned, do not make out any of the offences registered against him. According to learned Counsel, it would be a sheer abuse of process of Court, if applicant no.4 is made to stand trial, based on the false allegations in the FIR.

6. Learned APP would, on the other hand, submit that applicant no.4 also stands indicted in the alleged offences. He must face the trial.

7. Applicant no.4 – Govind Narsinh Rajejadhav is brother-in-law of the first informant – Priti. Her marriage took place on 17.02.2014. On marriage, she started residing at her matrimonial home along with her husband, parents-in-law and applicant no.4. It is alleged in the FIR that her parents paid her husband Rs.4,00,000/- for hotel business. The hotel had to be closed down as it incurred loss. The husband of the first informant had extra-marital relations with a lady residing in a nearby lane. It has further been alleged in the FIR that the husband of the first informant gave her kicks on her stomach during her pregnancy. The parents-in-law gave her threats of setting her ablaze.

8. In view of the aforesaid allegations, the application came to be withdrawn so far as regards the husband and parents-in-law of the first informant.

9. The allegations as against applicant no.4 are that he would say that the lady i.e. first informant, be driven out of the matrimonial home. He also gave threats that he will perform his brother's (applicant no.1) second marriage with whom he had extra-marital relations. The allegations in respect of applicant no.4 – Govind in verbatim, are as under :-

“..... तसेच दिर नामे गोविंद राजेजाधव यांचे असे म्हणणे आहे की, हिला घरातून हाकलून देवून भाग्यश्रीशी दुसरे लग्न लावून देऊ अशी धमकी दिलेली आहे.”

10. The first information report is silent to state the details as to when applicant no.4 said so (aforesaid matter). The FIR is conspicuously silent to give such details. In our view, if applicant no.4 is made to stand trial, based on the aforesaid allegations, it would be an abuse of process of the Court. It would, therefore, be in the interest of justice and to prevent abuse of process of the Court,

to quash the FIR registered against applicant no.4 and consequential charge-sheet.

11. In view of the above, the application is allowed in terms of prayer clause (B) **to the extent of applicant no.4 - Govind Narsingh Rajejadhav only.** Rule made absolute in the above terms.

[R.G. AVACHAT, J.]

[T.V. NALAWADE, J.]

kbp