

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CRIMINAL APPLICATION NO. 1659 OF 2019

1. Santosh Bhanudas Darade,
Age : 27 years, Occu. Service/ Agri,
2. Sindhubai Bhanudas Darade,
Age : 59 years, Occ. Household,
3. Bhanudas Bhaguji Darade,
Age : 62 years, Occu. Agri,
4. Kalyan Bhanudas Darade,
Age : 23 years, Occ. Service/Agri,
Resp. No. 1 to 4 R/o. At Post Pagori Pimpalgaon,
Tal. Pathardi, Dist. Ahmednagar.
5. Yogita Ajinath Dahifale,
Age : 31 years, Occ. Household
6. Ajinath Gangadhar Dahifale,
Age : 35 years, Occ. Agri.
Resp. No. 5 and 6 R/o. At Post. Karegaon,
Tal. Pathardi, Dist. Ahmednagar.
7. Ratnamala Bhimrao Bade,
Age : 37 years, Occ. Household,
8. Bhimrao Babasaheb Bade,
Age : 41 years, Occ. Service/Agri
Resp. No. 7 and 8 R/o. At Post. Wadegaon,
Tal. Pathardi, Dist. Ahmednagar.

...APPLICANTS
(Original Accused)

VERSUS

1. The State of Maharashtra
Through Police Station Pathardi,
Dist. Ahmedangar
2. Dipali Santosh Darade,
Age : 24 years, Occ. Household,
R/o. C/o. Ankush Gahininath Andhale,
Pitale Colony, Nagapur,
Tal. & Dist. Ahmednagar.

... **RESPONDENTS**
(Original Informant)

Mr. D. M. Shinde h/f Mr. P. R. Nangare, Advocate for the applicants
Mr. D. R. Kale, APP for the respondent/State.
Mr. Dhanraj Ingole h/f Mr. N.S. Ghanekar, Advocate for respondent No.
2.

**CORAM : T. V. NALAWADE &
S.M. GAVHANE, JJ.**

DATED : 06-11-2019

ORAL JUDGMENT (PER :- S.M. GAVHANE, J.)

. Rule. Rule made returnable forthwith, heard finally with the
consent of the parties for final disposal.

2. The applicants-accused Nos. 1 to 8 have filed this
application under Section 482 of the Code of Criminal Procedure to
quash and set aside crime No. 110 of 2019 registered at MIDC Police
Station, Ahmednagar against them for the offences punishable under

Sections 498(A), 323, 504 and 506 of the Indian Penal Code as per prayer clause (B).

3. Mr. D. M. Shinde h/f Mr. Nagare learned counsel appearing for the applicants has on instructions submitted that applicants No. 1 to 3 are withdrawing application.

4. Mr. Shinde, learned counsel for the applicants submitted that applicant No. 5 is sister of applicant No. 1 and applicant No. 6 is husband of applicant No. 5. So also applicant No. 7 is sister of applicant No. 1 and applicant No. 8 is husband of applicant No. 7. There is no dispute that respondent No. 2 the informant has married to applicant No. 1 on 04/12/2016 and she started residing with applicants No. 1 to 3 her husband and in laws. It is submitted that the applicants No. 5 and 6 are residing at Karegaon, Tal. Pathardi, Dist. Ahmednagar and applicants No. 7 and 8 are residing at Wadgaon, Tal. Pathardi, Dist. Ahmednagar. These applicants No. 5 to 8 are not residing with applicants No. 1 to 3. So also applicant No. 4 who is brother of the applicant No. 1 husband of respondent No. 2 has not committed any offence and no role is attributed to him in the FIR. Therefore,

continuance of the FIR against applicants No. 4 to 8 would amount to abuse of process of law and therefore the FIR needs to be quashed to the extent of applicants No. 4 to 8. It is submitted that applicant No. 1 has filed application for Restitution of Conjugal Rights against respondent No. 2 on 12/02/2019 and thereafter respondent No. 2 has filed present FIR just to harass applicants.

5. Learned counsel for respondent No. 2 and learned APP submitted that the offences alleged against the applicants are prima-facie made out and therefore FIR against the applicants may not be quashed as requested.

6. We have carefully considered the submissions made by the learned counsel for the applicants, respondent No. 2 and learned APP and perused the material placed on record.

7. On perusal of the FIR dated 20/02/2019 lodged by respondent No. 2 it appears that after the marriage respondent No. 2 went to Pagori Pimpalgaon at the house of applicants No. 1 to 3 for cohabitation and they started assaulting her saying her that she does

not know cooking. Thereafter on 06/04/2017 respondent No. 2 alongwith her husband the applicant No. 1 started residing at Ahmednagar. After 15 days there from applicants No. 5 and 7 married sisters of applicant No. 1 had come to Ahmednagar and they said applicant No. 1 not to bring grocery articles in the house and when respondent No. 2 said them why they are doing so they had abused her and said her to bring Rs. 5,00,000/- from her parental house to purchase plot and hence she should not reside with their brother the applicant No. 1. So also it is alleged that husband of applicant No. 5 and 7 had also instigated on telephone to applicant No. 1 to assault the respondent No. 2 and to ask her to bring money from her parental house. No specific date is mentioned in the FIR when the sisters of applicant No. 1 had come to Ahmednagar. So also no specific date is mentioned in the FIR when the husband of applicants No. 5 and 7 had phoned applicant No. 1 and instigated the applicant No. 1. Applicants No. 5 to 8 are residing in their respective villages. So also only role attributed to applicant No. 4-brother of the husband of the respondent No. 2 is that he said to the people from the parental house of respondent No. 2 to take away respondent No. 2 and abused them but no specific date of said incident is stated in the FIR. In all the above

circumstances nothing will be achieved by continuing the FIR against applicants No. 4 to 8 and continuation of the FIR against the said applicants would amount to abuse of process of law. Therefore, application needs to be allowed to the extent of these applicants and FIR needs to be quashed against them as requested by allowing the application. Therefore, following order is passed.

ORDER

1. Application of applicants No. 1 to 3 is disposed of as withdrawn.
2. Application of applicants No. 4 to 8 is allowed.
3. Relief is granted to applicants No. 4 to 8 in terms of prayer clause (B).
4. Rule is made absolute in those terms.

[S.M. GAVHANE, J.]

[T. V. NALAWADE, J.]