

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

**CRIMINAL APPLICATION NO. 2302 OF 2019**

1. Shankar Baburao Kudhande,  
Age : 32 years, Occu : Labour,
2. Subhadra Baburao Kudhande,  
Age : 55 years, Occu : Labour,  
R/o : Rakshasbhuvan (Shaniche),  
Tal. Gevrai, District: Beed.
3. Tai Baburao Kudhande,  
Age : 43 years, Occu : Household,  
Applicant No. 1 and 3 is  
R/o. At Apadgaon, Post- Bhalgaon,  
Tal. & District: Aurangabad.
4. Bhausahab Baburao Kudhande,  
Age : 25 years, Occu : Education & Job,
5. Pooja Bhausahab Kudhande,  
Age : 23 years, Occu : Education,  
Both above R/o : Flat No. 85,  
Galli No. 11, Gajanan Nagar,  
Garkheda, Aurangabad.
6. Janardhan Uttam Navle,  
Age : 36 years, Occu : Service,
7. Varsha Janardhan Navle,  
Age : 31 years, Occu : Household,  
Both R/o: Flat No. 124, Survey No.4,  
Gajanan Nagar, Garkheda, Aurangabad.
8. Sulabha Govind Garad,  
Age : 35 years, Occu : Household,

9. Govind Kalyan Garad,  
Age : 43 years, Occu : Labour,  
Both R/o. Flat No. 40,  
Rajgruha Nivas, In front of  
Hanuman Mandir, N – 4,  
CIDCO – Aurangabad.
10. Sangita Datta Natkar,  
Age : 37 years, Occu : Household,  
R/o. Chaudhari Colony,  
Chikalthana, Aurangabad.
11. Ravindra Baburao Kekte,  
Age : 25 years, Occu : Business,
12. Durga Ravindra Kekte,  
Age : 22 years, Occu : Household,  
Both R/o. House No. 60, Pisadevi Park,  
Jay Hind Nagar, Aurangabad.

**...APPLICANTS**  
(Orig. Accused)

**VERSUS**

1. The State of Maharashtra  
Through Police Station,  
Ahmednagar Taluka,  
Taluka & Dist : Ahmednagar.
2. Sita Shankar Kudhande,  
Age : 28 years, Occu : Household,  
R/o: C/o: Popat Ramrao Kasar,  
Jalwadi, Post Walki, Hanuman Nagar,  
Vidya Colony, Arangaon Road, Kedgaon,  
Tal. & Dist. Ahmednagar,  
Mob. No. 9673551274

**... RESPONDENTS**  
(Orig. Informant)

Mr. Yogesh H. Jadhav, Advocate for applicants  
Mr. K. S. Patil, APP for respondent/State  
Mr. V. P. Latange, Advocate for respondent No. 2.

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

**DATED : 11-11-2019**

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

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

2. By this application under Section 482 of the Code of Criminal Procedure applicants (Accused Nos. 1 to 12) against whom crime No. 266/2019 has been registered at Ahmednagar Taluka Police Station on 02/06/2019 for the offences punishable under Sections 498(A), 323, 504, 506 read with Section 34 of the Indian Penal Code on the complaint of respondent No.2-informant Sita Shankar Kudhande, have requested to quash and set aside the said FIR.

3. Mr. Jadhav, learned Advocate for the applicants on instructions submitted that applicants No. 1, 2 and 6 are withdrawing application.

4. Mr. Jadhav, learned Advocate submitted that applicant No. 3

is married sister of the applicant No. 1-husband of respondent No. 2, applicant No. 4 is brother of applicant No. 1 and applicant No. 5 is sister of applicant No. 1. So also, applicant No. 7 is married sister of applicant No. 1 and applicant No. 6 is husband of applicant No. 7. Applicant No. 8 is married sister of applicant No. 1 and applicant No. 9 is husband of applicant No. 8. So also, applicant No. 10 is married sister of applicant No. 1. Applicants No. 5 to 10 were not residing with applicants No. 1 and 3 in Aurangabad district. So also, applicant No. 12-Durga is niece of applicant No. 1 and applicant No. 11 is husband of applicant No. 12. It is submitted that no role is attributed in the FIR to applicants No. 3, 4, 5 and 7 to 12. The allegations made against these applicants in the FIR are vague. Filing of the FIR against these applicants is amounting to misuse of process of law. Offences alleged in the FIR are not attracted against these applicants. Therefore, learned Advocate for the applicants submitted that impugned FIR be quashed against these applicants by allowing the application to the extent of these applicants.

5. Mr. Latange, learned Advocate for respondent No. 2/ informant and Mr. Patil, learned APP for respondent No. 1/State submitted that there is a triable case against the applicants for the aforesaid offences and there is no ground to quash the FIR against the

applicants as submitted by the learned Advocate for the applicants. Thus, they have prayed to dismiss the application.

6. We have carefully considered the submissions made by the learned Advocate for the applicants, respondent No. 2 and learned APP for the respondent/State and perused the copies of documents produced by the applicants as well as the affidavit-in-reply submitted by respondent No. 2/informant.

7. On perusal of the FIR dated 02/06/2019 lodged by respondent No. 2, it is seen that after marriage with applicant No. 1 on 07/07/2018 when she started cohabiting her husband, sister-in-law, mother-in-law, brother-in-law and his wife started saying her that they do not like her and her husband, mother-in-law and sister-in-law started assaulting abusing and threatening her. Thereafter, applicant No. 6-husband of applicant No. 7 her sister-in-law and applicant No. 7 both residents of Gajanan Nagar/ Hanuman Nagar, Aurangabad and sister-in-law applicant No. 8 and her husband application No. 9 both residents of Kamgar chowk, N-4, CIDCO, Aurangabad, applicant No. 10 sister-in-law, applicants No. 11 and 12 residents of Aurangabad were also on coming to house of respondent No. 2 used to cause physical and mental cruelty

to her saying her to bring Rs. 5,00,000/- from her parental house for constructing house. Thereupon, she told them that an amount of Rs. 5,00,000/- in the name of her husband was transferred in the name of applicant No. 6 by her husband applicant No. 1. Thereafter, they started saying her to bring Rs. 3,00,000/-. FIR further shows that as the people from her in laws of house of respondent No. 2 started harassing moreover, her father transferred an amount of Rs. 5,00,000/- on her account on 18/07/2018 and said amount was withdrawn by people from her in laws house. Thereafter also applicants abused and threatened her and gave her scanty food. Thereafter on 22/03/2019 at 7.00 a.m. people from her in laws house had driven her out of house. Respondent No. 2 has alleged as above in her affidavit-in-reply.

8. From the above referred contents of the FIR and the documents of transactions of transfer of money, it appears that applicant No. 1-husband and applicant No. 2- mother-in-law of respondent No. 2 harassed the respondent No. 2 and applicant No. 1 had transferred some amount in the name of applicant No. 6. It appears that applicants No. 3 to 5 and 7 to 12 are residing at Aurangabad and they are not residing at Rakshasbhuvan, Tq. Gevrai, District Beed where the applicant No.2-mother of applicant No. 1 is residing. So also,

applicants No. 4, 5 and 7 to 12 are not residing with applicant No.1 husband of respondent No. 2. Aadhar cards of applicants No. 4, 5 and 7 to 12 show that their place of residents is different than applicant No. 1 husband of respondent No. 1. Applicants No. 7, 8, 10 and 12 are married sisters of applicant No. 1 and applicants No. 9 and 11 are respectively husband of applicants No. 8 and 12. So also applicant No. 10 is married sister of applicant No. 1. Allegations made against applicants No. 3 to 5 and 7 to 12 in the FIR are vague. It appears that respondent No. 2 cohabited with her husband the applicant No. 1 hardly for 8 months after her marriage. It appears that prior to the FIR dated 02/06/2019 in question the applicant No. 4 brother of applicant No. 1 had given report against father of respondent No. 2 alleging that father of respondent No. 2 had threatened applicant No. 4 that he would file false crime against him and on the basis of said FIR non cognizable case was registered in Chikhalthana Police Station. Thus, it shows that respondent No. 2 has reason to implicate applicant No. 4 who is appearing for UPSC & MPSC examination as argued by the learned Advocate for the applicants.

9. In all the above circumstances no purpose will be achieved by directing applicants No. 3 to 5 and 7 to 12 to face the trial. Thus

continuation of said FIR against said applicants would amount to misuse of process of law. For the above reasons impugned FIR registered against the applicants needs to be quashed and set aside as regards applicants No. 3, 4, 5 and 7 to 12 by allowing the application. Therefore, following order is passed.

**ORDER**

1. The application of applicants No. 1, 2 and 6 is disposed of as withdrawn.
2. The application of applicants No. 3, 4, 5 and 7 to 12 is allowed.
3. Relief is granted to them in terms of prayer clause (A).
4. Rule is made absolute in those terms.

**[S.M. GAVHANE, J.]**

**[T. V. NALAWADE, J.]**