

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

951 CRIMINAL APPLICATION NO.540 OF 2021

SATISH NIVRUTI BANGAR AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

...
Mr. Avinash D. Aghav, Advocate for applicants
Mr. S.J. Salgare, APP for respondent – State
Mr. R.G. Hange. Advocate for respondent no. 2
...

**CORAM : V.K. JADHAV AND
SANDIPKUMAR C. MORE, JJ.**

DATE : 24TH NOVEMBER 2021

PC :

1. We have heard learned counsel for the applicants for some time.
2. Learned counsel for the applicants, on instructions, seeks leave to withdraw the application of applicants no. 1 to 3 with liberty to file the application for discharge before the trial Court in the pending case.
3. Application of applicants no. 1 to 3 is hereby dismissed as withdrawn with liberty to each of them to file an Application for discharge before the trial Court in the pending case, if the charge is not framed.
4. Applicant no. 4 – original accused – Jyotsna is seeking quashing of the FIR bearing no. 20/2021 registered with Shirur Police Station, Tq. Shirur (Kasar), Dist. Beed for the offences punishable under

section 498-A, 323, 504, 506 r/w. 34 of the Indian Penal Code and also seeking quashing of the criminal proceedings bearing RCC no. 37 of 2021 pending before the Chief Judicial Magistrate, Shirur (Kasar), Dist. Beed.

5. Learned counsel for the applicants submits that applicant no. 4 – Jyotsna is the married sister-in-law. She got married after filing of the complaint. Learned counsel has pointed out from the allegations in the complaint and from the chargesheet that except the name of the applicant – Jyotsna, no allegations have been made against her. Learned counsel submits that the allegations have been made against the husband, father-in-law and mother-in-law of respondent no. 2, whose application seeking quashing of the complaint came to be withdrawn today.

6. Learned counsel for respondent no. 2 submits that the name of the applicant no. 4 is mentioned in the FIR with a specific role attributed to her. Respondent no.2 was subjected to ill-treatment on account of non-fulfilment of the demand of Rs.2,00,000/- for purchasing the auto-rickshaw. Learned counsel submits that there is no substance in the Application and the Application is liable to be dismissed.

7. We have also heard learned APP for the State. We have carefully gone through the contents of the complaint so also the entire chargesheet. We find that though the name of the applicant no. 4 – Jyotsna is mentioned in the FIR, the allegations have been made only

against the co-accused – husband, father-in-law and mother-in-law of the respondent no. 2. In fact, there are no allegations against her.

8. Thus, considering the same, we proceed to pass the following order:-

ORDER

I) Criminal Application is allowed in terms of prayer clause (A-1) and (B) to the extent of applicant no. 4 – Jyotsna D/o Nivruti Bangar.

II) Criminal Application is accordingly disposed of.

[SANDIPKUMAR C. MORE, J.]

[V.K. JADHAV, J.]

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