

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

977 CRIMINAL APPLICATION NO. 1437 OF 2021

1. Bhagwan S/o. Narayan Deshmukh,
Age. 74 years, Occ : Agri.,
R/o. House No. 4/1149, Muran Park, Vaijapur,
Tq. Vaijapur, Dist. Aurangabad.
2. Yogita D/o. Bhagwan Deshmukh,
Age : Major, Occ : Household,
R/o. As above.
3. Charushila @ Padma W/o. Sunil Ghadge,
Age. Major, Occ : Advocate,
R/o. C/o. Narayan Ghadge, 1468,
Krupa Hospital, Kamgar Nagar,
Saipur, Nashik.
4. Rahul W/o. Bhagwan Deshmukh,
Age. Major, Occ : Agri.,
R/o. Murari Park, Vaijapur,
Tq. Vaijapur, Dist. Aurangabad. ...Applicants.

Versus

1. State of Maharashtra,
Through Police Inspector,
Vaijapur Police Station, Dist. Aurangabad.
2. Swati W/o. Yashwant Deshmukh,
Age. 29 years, Occ : Household,
R/o. House No. 4/1149, Murari Park,
Vaijapur, Tq. Vaijapur, Dist. Aurangabad. ...Respondents.

As per Court's order dated 14.07.2021, Cri. Application
is dismissed as withdrawn against Applicant No. 1.

Advocate for Applicants No. 2 to 4 : Mrs. P.V. Langhe.
APP for Respondent No. 1 : Mr. A.S. Shinde.
Advocate for Respondent No. 2 : Mrs. A.N. Gore-Shirsath.

**CORAM : SUNIL P. DESHMUKH AND
NITIN B. SURYAWANSHI, JJ.
DATED : 07.09.2021**

JUDGMENT (PER : NITIN B. SURYAWANSHI, J.) :

1. At the outset, the learned Advocate for the applicants seeks permission to withdraw the application to the extent of applicant No. 2 and applicant No. 4.
2. Permission is granted. Application is disposed of as withdrawn for applicants No. 2 and 4.
3. The present application seeks quashing of the FIR in Crime No. I – 243/2021 registered with Vaijapur Police Station, District Aurangabad, for the offences punishable under Sections 498-A, 452, 354, 323, 509, 504, 506 read with Section 34 of the Indian Penal Code. The impugned FIR was lodged by respondent No. 2. The applicant No. 3 is sister-in-law of the respondent No. 2.
4. In short, it is alleged that in the FIR that the marriage of respondent No. 2 with Yashwant Deshmukh (brother of applicant No. 3) took place in the year 2010, after the marriage the informant stayed with her husband's in-laws for about four years. At that time her mother-in-law and sister-in-law Yogita used to ill-treat and beat her. They used to allege that the informant used to indulge in black

magic. Therefore, she started residing separately with her husband. Since one year prior to the lodging of FIR, the in-laws started demanding Rs. 5,00,000/- saying that the informant and her husband should vacate the house which belongs to her father-in-law. The applicant No. 3 came and resided at her maternal home for eight days and at that time she used to abuse the informant. The other allegations are attributed to the father-in-law, mother-in-law and brother-in-law.

5. The applicant No. 3 is married and is a practicing advocate staying with her husband at Nashik. She is suffering from 42% disability. According to her, only with a view to harass her and to pressurize the in-laws, her name is involved in the present crime. No specific role is attributed to her in the FIR. She, therefore, claims that continuation of the FIR is an abuse of process of law. Hence, the FIR needs to be quashed.

6. Heard the learned Advocate for applicant No. 3, learned APP for respondent No. 1/State and the learned Advocate for respondent No. 2.

7. We have perused the Criminal Application and the documents annexed thereto. It is not disputed that the applicant No. 3 is a

practicing advocate and residing at Nashik with her husband since more than twenty years. She is suffering from 42% disability.

8. In the FIR, vague and general allegations are levelled against the applicant No. 3. No details are given as to when she came to her maternal home and ill-treated the informant. It appears from the record that only with a view to pressurize the in-laws and to harass the present applicant, she roped in the present crime. It is difficult to even, *prima facie*, accept the allegations of the informant that from Nashik, the applicant No. 3 used to come and harass her.

9. In our considered view, the prosecution of applicant No. 3 in the present crime is an abuse of process of law. We, therefore, allow the Criminal Application to the extent of applicant No. 3 – Charushila @ Padma W/o. Sunil Ghadge and quashed the FIR at Crime No. I - 243/2021 registered with Vaijapur Police Station, District Aurangabad, for the offences punishable under Sections 498-A, 452, 354, 323, 509, 504, 506 read with Section 34 of the Indian Penal Code.

(NITIN B. SURYAWANSHI, J.)

(SUNIL P. DESHMUKH, J.)