

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

CRIMINAL APPLICATION NO.2137 OF 2020

SHUBHAM S/O DILIP JAISWAL AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

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Advocate for the Applicants : Shri Menchirel Suresh N.
APP for Respondent 1 : Shri S.D. Ghayal
Advocate for Respondent 2 : H.V. Tungar

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**CORAM : RAVINDRA V. GHUGE
&
B. U. DEBADWAR, JJ.**

DATE :- 22nd April, 2021

Per Court :-

1. Leave to correct the name of the Police Station in prayer clauses B and C. Correction be carried out forthwith.
2. We have heard the learned advocate for the applicants for sometime. He submits, on instructions, that applicant Nos.1, 2 and 3 seek liberty to withdraw this application.
3. As such, this Criminal Application, to the extent of applicant Nos.1, 2 and 3, stands disposed off as withdrawn.
4. Having considered the contents of the First Information Report and having noticed that applicant No.4 is a minor girl student and applicant No.5 is an aged grand mother-in-law of the informant, we are

entertaining this application.

5. The learned advocate for the informant has strenuously opposed this application to the extent of applicant Nos.4 and 5. He submits that these two applicants are a part of the joint family. The informant, along with her husband and all the remaining applicants, used to stay together under one roof. He, therefore, submits that the FIR would indicate that the offence is made out even against these two applicants.

6. We have gone through the FIR, threadbare and we find that applicant No.4 is a minor girl, who is a student. Applicant No.5 is an aged grand mother-in-law of the informant. A general statement has been made to the extent of these two applicants that they, along with applicant Nos.1, 2 and 3, used to cause mental and physical agony to the informant.

7. We find from the FIR that the husband and parents-in-law were demanding Rs.10 lac from the informant so as to set up and expand the hardware business of the husband. We do not find any specific averment or allegation against applicant Nos.4 and 5, in the FIR. We are, therefore, of the view that the offences punishable under Sections 498-A, 323, 504, 506 and 34 of the Indian Penal Code are not made out against applicant Nos.4 and 5.

8. In the light of the above and keeping in view the law laid down by the Honourable Supreme Court in *Geeta Mehrotra and another vs. State of Uttar Pradesh and another, (2012) 10 SCC 741*, this Criminal

Application is partly allowed to the extent of applicant Nos.4 and 5 and the FIR No.0303/2020 dated 07.10.2020 stands quashed to their extent. Consequentially, the charge-sheet would naturally exclude these two applicants.

kps

(B. U. DEBADWAR, J.)

(RAVINDRA V. GHUGE, J.)