

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

CRIMINAL APPLICATION NO. 3658 OF 2019

1. Sulochana Vasant Pawar,
Age : 54 Years, Occu : Household,
R/o. House no. 72, Neharu Nagar,
Dharangaon, Tal Dharangaon Dist. Jalgaon.
2. Sanjay Nimba Patil @ Sonawane,
Age : 38 Years, Occu : Agriculture,
3. Nutan Sanjay Patil @ Sonawane,
Age : 34 Years, Occu : Household,
R/o. House No. 22.1, Neharu Nagar,
Dharangaon, Tal. Dharangaon, Dist. Jalgaon
4. Bhavna Kishore Devre,
Age : 21 Years, Occu : Student
R/o. Bhivarabai College Campus,
Hostel, Narhe, Pune 411 041.

.... APPLICANTS
(Orig. Accused)

VERSUS

1. The State of Maharashtra
Through Ramanand Nagar Police Station,
Jalgaon, Taluka Jalgaon, Dist. Jalgaon.
2. Monali Bharat Pawar,
Age : 30 Years, Occu : Household,
R/o. Raisonni Nagar, Ramanand,
Jalgaon, Dist. Jalgaon.
Pin Code 425001

.... RESPONDENTS
(Orig. Informant)

Shri. G. A. Nagori, Advocate for the applicants
Shri. M. M. Nerlikar, APP for respondent No. 1/State
Shri. S. V. Bhosale, Advocate for respondent No. 2.

**CORAM : T. V. NALAWADE &
M. G. SEWLIKAR, JJ.**

DATED : 24-02-2021

ORAL JUDGMENT (PER :- M. G. SEWLIKAR, J.)

1. Rule. Rule made returnable forthwith. At the stage of admission, heard finally with the consent of all the parties.

2. By this application under Section 482 of the Code of Criminal Procedure, the applicants are seeking quashing of Crime No. 273 of 2019 registered with Ramanand Police Station, Jalgaon for the offences punishable under Sections 498A, 323, 504, 506 read with Section 34 of the Indian Penal Code.

3. Factual metrics involved in the application is as under:

. Respondent No. 2 married Ganesh Vasant Pawar on 11/05/2014. Applicant No. 1 is the mother-in-law of respondent No. 2. Applicant No. 2 is the distant brother-in-law of respondent No. 2. Applicant No. 3 is the wife of applicant No. 2. Applicant No. 4 is the niece of husband of respondent No. 2.

4. It is alleged in the FIR by respondent No. 2 that after some days of marriage she was subjected to illtreatment by the in-laws of respondent No. 2. Applicant No. 1 and her sister-in-law used to insult her, abuse her on trivial matters. She delivered a baby girl on 04/09/2015. On that count applicant No. 1 and wife of elder brother of her husband started passing sarcastic remarks at her. Applicant Nos. 2 and 3 had come to take her back to her matrimonial place. Her husband started demanding Rs. 7,00,000/- to be brought from her parents for the purpose of agriculture and subjected her to illtreatment. Applicant No. 1 used to call her an ill omen woman. She was

again sent back to her maternal place by her husband. She had made an application for maintenance against her husband in which she was awarded maintenance of Rs. 7,000/- per month. Applicant No. 2 and her husband took her back. She was again subjected to illtreatment by applicant No. 1, the elder brother of her husband and her sister-in-law. Applicant No. 4 used to say that she had to do the entire work and used to instigate her husband to beat respondent No. 2. She was again driven out of the house in the month of July 2018. On these allegations she lodged FIR against the applicants.

5. Heard Shri. G. A. Nagori, learned counsel for the applicants, Shri. M. M. Nerlikar, learned APP for respondent No. 1/State and Shri. S. V. Bhosale, learned counsel for respondent No. 2.

6. When this Court expressed its disinclination to grant any relief to applicant No.1, learned counsel Shri. Nagori for applicant No. 1 sought permission to withdraw application to the extent of applicant No. 1. Permission was accordingly granted.

7. So far as applicant Nos. 2 and 3 are concerned, not a whisper is there in the FIR against them. On the contrary, the allegations in the FIR show that applicant Nos. 2 and 3 had gone to bring her back after the delivery of respondent No. 2. The allegations in the FIR further show that after award of maintenance, compromise was effected in the maintenance proceedings at the instance of applicant No. 2. Thereafter, she had gone back to her matrimonial place. This clearly indicates that there are no adverse

allegations against applicant Nos. 2 and 3. Therefore continuation of prosecution against applicant Nos. 2 and 3 would be an abuse of process of law. On the basis of these allegations it cannot be said that any cognizable offence is made out against any of the applicant Nos. 2 and 3.

8. So far as applicant No. 4 is concerned, the only allegation made against her is that she used to say that she was required to do entire work. This is a very vague allegation on the basis of which it cannot be said that any cognizable offence is made out against applicant No. 4. In this view of the matter, it cannot be said that any cognizable offence is made out against applicant Nos. 2 to 4. Having regard to this, continuation of prosecution against applicant Nos. 2 to 4 would be an abuse of process of law. On the basis of these allegations it cannot be said that, there is any possibility of conviction being recorded against applicant Nos. 2 to 4. In this view of the matter, we are inclined to quash the proceeding against applicant Nos. 2 to 4.

9. Having considered the allegations in the FIR it can be said that even if allegations are accepted at their face value no cognizable offence is made out against applicant Nos. 2 to 4. Therefore the case of the applicant Nos. 2 to 4 is covered by conditions 1 and 3 in the case of **State of Haryana Vs. Bhajanlal, AIR 1992, Supreme Court, 604**. In this view of the matter following order is passed.

ORDER

(I) Application of applicant No. 1 Sulochana Pawar is disposed of as withdrawn.

(II) Application of applicants No. 2 to 4 is allowed. Relief is granted to them in terms of Prayer Clause (A).

(III) Rule made absolute in those terms.

[M. G. SEWLIKAR, J.]

[T. V. NALAWADE , J.]