

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

CRIMINAL APPLICATION NO. 3750 OF 2019

1. Madhavrao s/o. Dattatray Shisodiya,
Age 75 years, Occu. Agri.,
2. Shantabai w/o. Madhavrao Shisodiya,
Age 63 years, Occu. Household/Agri.,
3. Pramodkumar s/o. Madhavrao Shisodiya,
Age 43 years, Occu. Private service,
All R/o. Flat No. C/304, Vaikunth CHS,
Sector-19, Komathe, Panvel,
Dist. Raigad, New Mumbai.

.. Applicants

(Original Accused No.2 to 4)

Versus

1. The State of Maharashtra
Through the Police Sub Inspector,
Bhagyanagar Police Station,
Taluka and District Nanded.
2. Shilpa w/o. Pawankumar Shisodiya,
Age 31 years, Occu. Household/Doctor,
R/o. Near Galaxy, Chatrapati Chowk,
Nanded, Taluka and District Nanded.

.. Respondents
(Original complainant)

...

Mr. S. N. Janakwade, Advocate for applicants
Smt. P. V. Diggikar, APP for respondent no.1 - State
Mr. Ganesh Jadhav, Advocate for respondent no.2 (*appointed*)

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

DATE : **7th SEPTEMBER, 2021**

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

This application filed under Section 482 of the Code of Criminal Procedure, 1973, seeks relief of quashing of First Information Report (FIR) bearing Crime no. 281 of 2019 registered with Bhagyanagar

Police Station, Taluka and District Nanded, for the offences punishable under Sections 498-A, 323, 504 and 506 read with Section 34 of the Indian Penal Code (IPC) and the proceeding of Regular Criminal Case No. 867 of 2019 pending before the Chief Judicial Magistrate, Nanded, registered on the basis of impugned FIR to the extent of applicants.

2. Rule. Rule made returnable forthwith. By consent of the parties heard finally at the admission stage.

3. Applicant no. 1 is father-in-law, applicant no. 2 is mother-in-law and applicant no. 3 is brother-in-law of informant- respondent no.2 at whose behest FIR in question was lodged. It is case of the applicants that respondent no. 2 – informant performed inter caste love marriage with accused no. 1 Pawankumar s/o. Madhavrao Shisodiya (applicant no.1). After the marriage, the informant and accused no.1 Pawankumar were staying at Navi Mumbai, whereas, the applicants are resident of Sector-19, Komathe, Panvel, District Raigad. Vague and general allegations are levelled against the applicants and no specific role is attributed to them in the FIR and also in the chargesheet there is no material against the applicants. By placing reliance in *Geeta Mehrotra and another Versus State of Uttar Pradesh and another*, reported in (2012) 10 Supreme Court Cases 741, the learned Advocate for the applicants submitted that FIR against the applicants is liable to be quashed and set aside.

4. Learned APP contended that there is sufficient material to frame charge against the applicants, and hence, the application is liable to be dismissed.

5. Learned Advocate for respondent no.2 – informant submitted that informant and her husband Pawankumar – accused no.1 are staying together since 2020 and are leading happy married life.

6. Perusal of the FIR and the chargesheet shows that vague and general allegations are levelled against the applicants. The applicants are staying separately from the informant and her husband in different town. *Prima facie* it appears that the names of applicants are involved with a view to pressurize the in-laws and to harass them. Ratio laid down in *Geeta Mehrotra (supra)* is squarely applicable to the facts of the present case.

7. Taking into consideration the statement made by the learned Advocate for respondent no.2 that, the informant and her husband are staying together, it appears that the husband and wife have amicably settled their matrimonial dispute and are leading happy married life.

8. In view of aforestated circumstances, we are of the considered view that continuation of prosecution against applicants is an abuse of process of law. Hence, we are inclined to allow the application.

9. In the result, criminal application is allowed in terms of prayer clause 'A'. First Information Report bearing Crime no. 281 of 2019 registered with Bhagyanagar Police Station, Taluka and District Nanded, for the offences punishable under Sections 498(A), 323, 504 and 506 read with Section 34 of the Indian Penal Code and further proceeding of Regular Criminal Case No. 867 of 2019 pending before the Chief Judicial Magistrate, Nanded, are hereby quashed and set aside to the extent of applicants.

10. The fees of appointed advocate is quantified at Rs.2500/- and the same shall be paid through the High Court Legal Services Authority, Sub-Committee Aurangabad, within a period of four weeks from today.

11. Rule is made absolute in above terms. No costs.

[NITIN B. SURYAWANSHI]
JUDGE

[SUNIL P. DESHMUKH]
JUDGE