

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR**

CRIMINAL APPLICATION (APL) NO.175 OF 2018

**WITH
CRIMINAL APPLICATION (APL) NO.176 OF 2018.**

CRI. APPLICATION NO. 175/2018

1. Shahaji Baburao Bhalekar,
Aged about 71 years, Occ. Retired,
2. Shobha Shahji Bhalekar,
Aged about 61 years, Occ. Housewife,

R/o. A3/1201, Shimmer and Shine,
Anand Nagar, Sinhagad Road,
Pune.
3. Yogita Satyawar Thorat,
Aged about 41 years, Occ. Housewife,
R/o. K6/18, Gaurinandan,
Aditya Nakoda Enclave 2,
Sinhagad Road, Pune.

. . . . APPLICANTS

. . . . VERSUS

1. State of Maharashtra through
Police Station Officer,
Police Station Risod,
Dist. Washim.
2. Jyotika Siddesh Bhalekar,
Aged about 31 years, Occ. Nil,
R/o. Deshmukh Galli,
Risod, Dist. Washim

. . NON-APPLICANTS

CRI. APPLICATION (APL) NO. 176/2018

Siddesh Shahaji Bhalekar,
Aged about 33 years, Occ. Nil,
R/o. A3/1201, Shimmer and Shine,
Anand Nagar, Sinhagad Road,
Pune.

. . . . **APPLICANT**

. . . . **VERSUS**

1. State of Maharashtra through
Police Station Officer,
Police Station Risod,
Dist. Washim.

2. Jyotika Siddesh Bhalekar,
Aged about 31 years, Occ. Nil,
R/o. Deshmukh Galli,
Risod, Dist. Washim .

. . . **NON-APPLICANTS**

Shri A.R.Fule, Advocate for applicants.
Ms.Mayuri Deshmukh, Additional Public Prosecutor for the Non-
applicant No.1 – State.
Shri M. Ateeque, Advocate for the non-applicant no.2.

CORAM: Z.A. HAQ & AMIT B. BORKAR, JJ.
DATED : 19/01/2021.

ORAL JUDGMENT : (PER AMIT B. BORKAR, J.)

1. Heard.

2. Rule. Rule is made returnable forthwith. Heard by
consent of the learned Advocate for the applicants and the learned
Additional Public Prosecutor appearing for the respective parties.

3. Since, both these applications challenge the same First Information Report, they are being disposed of by common judgment.

4. These are the applications under Section 482 of the Code of Criminal Procedure challenging the registration of First Information Report bearing No.46/2018 dated 17.2.2018 registered with non-applicant no.1 - Police Station for offences under Sections 498-A, 313, 406, 506 read with Section 34 of the Indian Penal Code.

5. The First Information Report came to be registered against the applicant - husband in Criminal Application no.175/2018 with the accusation that the applicant - husband demanded dowry from the non-applicant no.2 and mentally and physically harassed the non-applicant no.2 from time to time.

6. The applicants, therefore, filed present application before this Court. This Court on 20th August, 2018 issued notice for final disposal making it returnable on 1st October, 2018. In the meantime, it was directed that the charge-sheet shall not be filed.

7. The non-applicant no.1, in pursuance of the notice filed its reply and pointed out that there is sufficient material available with the prosecution to conduct trial against the applicant. It is further stated that the Sessions Judge had granted anticipatory bail to the applicant . It is further submitted that the investigation would reveal full complicity of the applicant in the crime registered against the applicant. The non-applicant no.2 filed her reply and submitted that the applicant demanded dowry from the non-applicant no.2. The applicant mentally and physically harassed the non-applicant no.2 from time to time. The applicant and his family members have taken away golden ornaments of the non-applicant no.2 approximately of Rs. 1,50,000/-.

8. We have carefully considered the contents of the First Information Report and the accusation made against the applicant. It is to be noted that the First Information Report came to be registered against the applicants on 17.2.2018. It appears that the non-applicant no.2 left her matrimonial home on 30.5.2017. The applicant filed divorce proceedings in the Family Court, Pune on 19.12.2017. The complainant appeared before the Family Court, Pune on 20.1.2018. The First Information Report

has been filed on 17.2.2018. It is, therefore, manifest that the First Information Report has been filed with vengeance and as a counter-blast to the divorce proceedings of the applicant. Even otherwise, the allegations in the First Information Report are vague in nature against the applicants. There are no dates and details given by the non-applicant no.2 about the alleged physical and mental harassment. We are, therefore, satisfied that the continuance of the present proceedings would abuse of process of Court in both applications. We, therefore, pass the following order:

ORDER

Rule is made absolute in the terms of prayer clause (i).

Prayer clause (i) reads as under:

(i) Allow these applications and quash and set aside First Information Report No.46/2018 dated 17.02.2018 registered at Risod Police Station, Washim for offences punishable under Sections 498-A, 313, 406 and 506 and 34 of the Indian Penal Code”.

Both Criminal Applications stand disposed.

JUDGE

JUDGE