

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

964 CRIMINAL APPLICATION NO.536 OF 2022

PRADIP PURUSHOTTAM NAGMOTI AND OTHERS  
VERSUS  
THE STATE OF MAHARASHTRA AND ANOTHER

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Advocate for Applicants : Mr. Harshal Prakash Randhir  
APP for Respondent : Mr. A V Deshmukh  
Advocate for Respondent 2 : Mr. M G Kochar h/f B.R.  
Waramaa

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CORAM: SARANG V. KOTWAL & BHARAT P. DESHPANDE, JJ.  
Dated: June 29, 2022

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**PER COURT :-**

1. This is an application for quashing of the FIR bearing C.R.No.10 of 2022 dated 6.1.2022 registered at Parola Police Station, District Jalgaon for the offence punishable under sections 498-A, 323, 504, 506 r/w 34 of the Indian Penal Code.

2. At the outset, learned counsel for the applicants points out that, the application on behalf of applicant no.1 Pradeep Nagmoti is already withdrawn and is dismissed as such. Application therefore survives only in respect of applicant nos. 2,3 4 and 5. The FIR is lodged by applicant's wife Swati Nagmoti. She was

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married to applicant no.1 Pradeep. Applicant nos.2 and 4 are Pradeep's married sisters, applicant no.3 is applicant nos.2's husband, applicant no.5 is applicant no.4's husband. All these applicants are residing in Dhule District; whereas as per the FIR the informant and her husband were residing in Thane District. It is mentioned in the FIR that, after marriage, initially, the Applicant no.1 treated her properly. After that, she was taken to Koparkhairne, District Thane. He started harassing her. He used to tell her that, she was no match for him. He used to humiliate and assault her. Allegations against applicant nos.2 to 5 are that they sometimes used to visit the informant's matrimonial house at Koparkhairne and used to interfere in her matrimonial life. They used to humiliate her. However, she ignored it. The FIR further mentions that, during Lockdown period, applicant no.1 started working from home. During that period, he started harassing her more and more. Applicant no.1 decided to start business of petrol pump and, therefore, started demanding money from the informant. He used to tell

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her to bring Rs.20 Lakhs from her parents. He used to beat her on that count. Allegations against applicant nos. 2 to 5 are that they used to support him. She has further stated that in the Diwali, 2020 these applicants had come to Koparkhairne. Her brother had also come there. The accused demanded money from her and her brother. It is alleged that applicant no.1 also assaulted informant's brother. On these basis FIR is lodged.

3. Learned counsel for the applicants submitted that, the allegations against the applicants are vague and general in nature. Applicant nos.2 and 3 had got married in the year 1994. Applicant nos.4 and 5 had got married in the year 1999 and they were residing separately. They had nothing to do with the matrimonial dispute between the informant and her husband. According to him, these applicants are dragged in only to harass the entire family of the husband.

4. Learned APP as well as learned counsel for the respondent no.2 opposed this application. They submitted that, the allegations in the FIR against

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present applicants are clear and the FIR ought not be quashed.

5. We have considered these submissions. We have perused the allegations mentioned in the FIR. As rightly submitted by the learned counsel for the applicants, there are hardly any serious allegations against the applicant nos.2,3, 4 and 5. They are general in nature. It is alleged that, they used to support the informant's husband in his behaviour towards the informant. Admittedly, as indicated in the FIR itself, all these applicants were residing in District Dhule. Informant was residing with her husband at Koparkhairne and thereafter in Taluka Chalisgaon, District Jalgaon. Thus, it is clear that, these four applicants were residing elsewhere and the allegations against them are vague and are made obviously, to pressurize the husband's family. In this view of the matter, it would be unjust to continue the proceedings against these applicants even at this stage. Therefore, we are inclined to allow this

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application as far as applicant nos.2,3, 4 and 5 are concerned. Hence, the following order.

**O R D E R**

- i. The application is allowed.
- ii. The F.I.R. dated 06.1.2022 filed at Parola Police Station District Jalgaon vide C.R. No.10 of 2022 is quashed and set aside qua the Applicant nos.2-Jayshri Ganesh Bagad, 3-Ganesh Kashinath Bagad, 4-Mina Vijay Yevle and 5-Vijay Dattatray Yevle.
- iii. Application is disposed off.

**(BHARAT P. DESHPANDE, J.)      (SARANG V. KOTWAL, J.)**

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