

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

CRIMINAL APPLICATION NO.350 OF 2021

KIRAN GULAB RATHOD AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

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Advocate for Applicants : Mr. B. A. Dhengle
APP for Respondent/State : Mr. S. D. Ghayal
Advocate for Respondent No.2 : Mr. V. P. Sawant

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**CORAM : SARANG V. KOTWAL &
BHARAT P. DESHPANDE, JJ.**

DATE : 24th JUNE 2022.

Per Court :

1. This is an application for quashing of FIR registered vide Crime No. 19/2021 at Georai Police Station, Dist. Beed for the offences punishable under Sections 323, 34, 494, 498-A, 504 and 506 of the Indian Penal Code (I.P.C. for short).

2. At the outset, learned counsel for the applicants does not press this application to the extent of applicant Nos. 1, 2 and 3. He prays for withdrawal of this application on their behalf with liberty to file

application for discharge before the Trial Court. Permission is granted. Therefore, criminal application is allowed to be withdrawn to the extent of applicant nos. 1, 2 and 3 with liberty to file application for discharge before the Trial Court. If such application is filed, it shall be decided on its own merits, in accordance with law.

3. The FIR is lodged by Sangita. She is wife of applicant No.1 Kiran. Applicant Nos.2 and 3 are Kiran's parents. Applicant No.4 is Kiran's brother. Applicant No.5 is wife of applicant No.4 and applicant No.6 is Kiran's Aunt.

4. Heard learned Counsel for the parties.

5. The FIR mentions that the informant got married with Kiran on 28.04.2015. Initially, for about 7 to 8 months, applicant Nos. 1 to 3 treated her properly. She had daughter and son. Subsequently, applicant No.1 – Kiran started harassing her. He started demanding Rs.5 Lakh from her parents to purchase a tractor. But the informant refused because of poor financial condition of her parents. The FIR mentions

that applicant Nos.1, 2 and 3 continued to harass her. They used to assault her and did not give her proper food. She used to tell her parents about the harassment caused to her by applicant Nos. 1 to 3. Applicant No.1 used to consume liquor and used to assault and threaten her. He continuously used to demand Rs. 5 Lakh. After making these allegations, the informant has further mentioned that other applicants i.e. applicant Nos. 4, 5 and 6 also used to say that the informant was not working and she was mentally disturbed and that she should not be permitted to cohabit with applicant No.1. The FIR mentions that on 10.12.2019, informant's parents came to the applicants' home to convince applicant Nos. 1, 2 and 3 to treat the informant properly. But informant's father was assaulted and the informant was thrown out of the matrimonial house. On this basis, the FIR is lodged.

6. Learned Counsel for the applicants submitted that the FIR has been lodged as counter blast to various steps taken by applicant No.1. He had approached the police on one occasion. He was assaulted brutally and had suffered fracture, for which a separate offence is registered. Applicant No.1 had also initiated proceedings against the

informant and after all that, the present FIR is lodged. He submitted that there are no specific allegations against applicant Nos. 4, 5 and 6. According to the learned Counsel for the applicants, they were residing separately.

7. Learned Counsel for respondent No.2 submitted that the allegations against applicant Nos. 4, 5 and 6 are clearly spelt out in the FIR and therefore the FIR and the consequent charge-sheet should not be quashed.

8. Learned APP also supported the submissions of learned Counsel for Respondent No.2.

9. We have considered these submissions and we have also perused the charge-sheet. The charge-sheet contains statements of the other witnesses. Dnyandev Chavan is father of the informant; Sagita Chavan is mother of the informant; Rahul Chavan is her brother; Balu Rathod is her uncle and Uttam Chavan is her another uncle. Their statements and the allegations are similar.

10. As far as the FIR is concerned, main allegations are concentrated against the applicant Nos. 1, 2 and 3 i.e. husband and his parents. There is only a general allegation against applicant nos. 4, 5 and 6. It is stated that they used to cause mental harassment to the informant. They used to say that she was mentally disturbed. Apart from that, the FIR also states that the informant's parents were trying to convince applicant Nos. 1, 2 and 3 to treat her properly. There is no reference to applicant Nos. 4, 5 and 6 in that context. It is clear that these three applicants are dragged into pressurize the husband. In this view of the matter, continuation of proceedings against these applicants would be abuse of the process of law. The proceedings against them need to be quashed. Hence the following order.

ORDER

- (i) The Criminal Application is partly allowed.
- (ii) The FIR registered vide Crime No. 19/2021 at Georai Police Station, Dist. Beed and consequent R.C.C. No. 274/2021 pending before the learned Judicial Magistrate First Class, Georai, are quashed and set aside qua the applicant Nos. 4, 5 and 6.

(iii) The Criminal Application is disposed of.

[BHARAT P. DESHPANDE, J.]

[SARANG V. KOTWAL, J.]

Najeeb...