

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

951 CRIMINAL APPLICATION NO.1617 OF 2020

**GANGABAI W/O. MARUTI LOKADE AND OTHERS
VERSUS**

THE STATE OF MAHARASHTRA AND ANOTHER

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Advocate for Applicants:

Mr. Gangakhedkar Shailendra S

APP for Respondent No.1: MR. S. J. Salgare

Advocate for Respondent No.2: Mr. V. P. Golewar

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CORAM: SARANG V. KOTWAL &

BHARAT P. DESHPANDE, JJ.

DATE: 05th JULY, 2022

PER COURT:

1. This is an application for quashing of the proceedings pending before the Judicial Magistrate First Class, Nanded vide R.C.C. No.916 of 2020 arising out of C.R.No.0465 of 2020 dated 20.06.2020 registered at Nanded Rural Police Station under Sections 498-A, 497, 323, 504, 506 read with Section 34 of the Indian Penal Code, 1860.

2. The F.I.R. is lodged by one Pratibha Manohar Lokade who was got married with Manohar Lokade on 20.05.2011. Applicant No.1 is the

mother, Applicant No.2 is the brother and Applicant No.4 is the sister of Manohar. Applicant No.3 is the wife of the Applicant No.2. Applicant No.5 is the husband of the Applicant No.4. Applicant No.6 is the son of Applicant Nos.4 and 5 and Applicant No.7 is the maternal cousin of Manohar.

3. The informant has stated in her F.I.R. that about 1½ years after marriage she was treated properly. After that, Applicant No.1 started harassing her because the informant could not get pregnant. Her husband Manohar also demanded Rs.5,00,000/- for purchasing a car. He always used to harass her and told her to bring that amount from her parents. It is alleged that Manohar developed illicit relationship with another lady and started residing with her. The Informant somehow stayed in the matrimonial house till 2018. It is her case that she was residing in that house with Applicant Nos.1, 2, 6 and 7. The F.I.R. mentions that the husband and mother-in-law had continuously harassed her. There are general

allegations that all the applicants harassed her on the demand of Rs.5,00,000/-. After that she started residing with her mother. The Applicants went there. The husband and mother-in-law assaulted her. on this basis the F.I.R. is lodged. The Investigation was carried out and the charge-sheet was filed. In the charge-sheet, there are statements of the relatives of the informant. Pravati was the mother, Prakash was the brother, Manik was another brother, Chakradhar was a maternal uncle, Yeshwant was another maternal uncle. All these statements are exactly similar and they repeat the allegations made in the F.I.R.

4. Learned Counsel for the Applicants submitted that all these Applicants were residing elsewhere except Applicant No.1 mother-in-law. They could not have interfered in the matrimonial life of the informant. He submitted that there are only vague and general allegations.

5. Learned APP as well as learned Counsel for Respondent No.2 submitted that the allegations

in the F.I.R. and in the statements of the witnesses are sufficient to attract all the offences alleged against them and, therefore, proceedings cannot be quashed.

6. We have considered the submissions canvassed by the learned Counsel for respective parties.

7. As rightly submitted by the learned Counsel for the Applicants, there are vague and general allegations as far as Applicant Nos. 2 to 7 are concerned. However, there are specific allegations against Applicant No.1 mother-in-law. The other Applicants were residents of distant places. Applicant Nos.6 and 7 stayed with the informant only for a short period and they could not have interfered with her matrimonial life. Therefore, the proceedings against Applicant Nos.2 to 7 can be quashed and set aside. Hence, the following order-

ORDER

[I] The Application for Applicant No.1 is rejected.

[II] Application on behalf of Applicant No.2 – Sunil Maruti Lokade, Applicant No.3 – Minakshi Sunil Lokade, Applicant No.4– Surekha Dashrath Jambhalikar, Applicant No.5– Dashrath Khandera Jambhalikar, Applicant No.6– Siddhant Dashrath Jambhalikar, Applicant No.7– Ankush Hanmant Jethe is allowed.

[III] The proceedings R.C.C.No.916 of 2020 pending before the Judicial Magistrate First Class, Nanded arising out of C.R. No.465 of 2020 are quashed and set aside *qua* the Applicant Nos.2 to 7.

8. Criminal Application stands disposed of.

[BHARAT P. DESHPANDE, J.] [SARANG V. KOTWAL, J.]

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