

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

CRIMINAL APPLICATION NO. 2165 OF 2021

PRITAM ASARAM SALVE AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

...
Advocate for Applicants : Mr. Kasar Rajendra Sudam
APP for Respondent/State : Mr. S. J. Salgare
Advocate for Respondent No.2 : Mr. N. B. Narwade
...

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

DATE : 6th JULY 2022.

Per Court :

1. This is an application for quashing of proceedings in RCC No. 556/2021 pending before the Judicial Magistrate First Class, Rahuri arising out of CR No. 661/2021 registered at Rahuri Police Station, Ahmednagar under Section 498-A, 323, 504, 506 read with 34 of the Indian Penal Code (I.P.C. for short).
2. Heard the learned Counsel for the parties.

3. The FIR is lodged by Respondent No.2 / Manjusha, against the Applicants. Applicant No.1 is the husband and Applicant No.2 is the mother-in-law and the Applicant No. 3 and 4 are sister-in-laws. Applicant No.3 was a divorcee and the Applicant No.4 was taking education at that point of time.

4. The FIR mentions that Respondent No.2 got married with Applicant No.1 on 07.01.2019 at Rahuri. She started residing in her matrimonial house. Initially for three months, she was treated properly. Since April, 2019, Applicant No.1/husband started harassing her. He used to assault her. There are allegations that the other three Applicants used to pass bad remarks against the Informant. There are specific allegations against the Applicant No.1 that on 26.12.2019, he assaulted the Respondent No.2 after consuming liquor. She had given complaint to Rahuri Police Station on 27.12.2019. There was some compromise and then she started residing in her matrimonial again since 26.02.2020. Thereafter, also the Applicant No.1 used to harass her after consuming liquor. He demanded Rs. 50,000/- for purchasing a flat. He asked the Informant to bring amount from her parents and

on her refusal, she was assaulted and beaten by Applicant No.1. Thereafter on 25.05.2022, he left her at her parental house. After that, FIR is lodged.

5. Learned Counsel for the Applicants submitted that the Applicant No.3 was residing at Rahuri and he invited attention to the allotment letter for her quarters at Rahuri allotted since 13.08.2019. He submitted at the relevant time, the Applicant No.4 was taking education at Ahmednagar and now she is taking education in Aurangabad. Therefore, she hardly stayed in the house, where the Informant was residing with her husband. It was submitted that the allegations are vague and general in nature against the Applicant Nos. 2, 3 and 4 and they do not amount to the offence punishable under Section 498A of IPC.

6. Learned Counsel for the Respondent No.2 as well as APP relied on the FIR as well as statements of other witnesses to contend that all the offences against all the accused are made out and therefore charge-sheet should not be quashed.

7. We have considered these submissions and we have perused the other statements and charge-sheet. The charge-sheet contains statements of the other witnesses, David is father of Informant, Sangita is her mother, Pratiksha is her sister and Madhukar is her uncle. All the statements are similar and they repeated the allegations in the FIR. As far as the allegations in the FIR are concerned, in our view, the allegations are vague and general in nature as far as Applicant Nos. 2, 3 and 4 are concerned. There are specific allegations amounting to cruelty under section 498 of IPC only against the Applicant No.1. There is substance in the arguments of learned Counsel for Applicants that both the Applicants i.e. Applicant Nos.3 and 4 were mostly residing at other places. The Applicant No.2 is also attributed only the remarks, but beyond that the demand is not attributed to her. In this view of the matter, continuation of proceedings against the Applicant Nos. 2, 3 and 4 would amount to abuse of the process of law. As far as Applicant No.1 is concerned, there are sufficient allegations in the FIR as well as in the statements of the witnesses, therefore his application cannot be allowed. Hence the following order.

ORDER

(i) The Criminal Application on behalf of Applicant No.1 is rejected.

(ii) The proceedings in RCC No. 556/2021 pending before the Judicial Magistrate First Class, Rahuri arising out of CR No. 661/2021 registered at Rahuri Police Station, Ahmednagar, are quashed and set aside qua the Applicant No.2 - Parigabai, Applicant No.3 - Kavita and Applicant No.4 - Pornima.

(iii) The Criminal Application is disposed of.

[BHARAT P. DESHPANDE, J.]

[SARANG V. KOTWAL, J.]

Najeeb...