

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

CRIMINAL APPLICATION NO. 2428 OF 2021

Sakhubai Babulal Jadhav
and others

.. Applicants

Versus

The State of Maharashtra
and another

.. Respondents

Mr. Pramod N. Muley, Advocate for the Applicants.
Mr. S. D. Ghayal, APP for the Respondent No. 1.
Mr. A. V. Lavte, Advocate for Respondent No. 2.

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

DATED : 28th JUNE 2022.

PER COURT :-

. This is an application for quashing of the proceedings pending in RCC No. 64/2021 before the Judicial Magistrate First Class, Dharur under Section 498-A, 323, 504, 506 r/w Section 34 of the Indian Penal Code.

2. At the outset, learned counsel for the applicants points out that the application on behalf of applicant Nos. 3 and 5 is withdrawn. Therefore, application survives in respect of applicant No. 1 - Sakhubai Babulal Jadhav, applicant No. 2 – Babulal Tulshiram Jadhav and

applicant No. 4 – Shalu Giyanandeo Gaikwad. The FIR is lodged by the informant namely Indu Sampat Gaikwad. She was married to Sampat Gaikwad. The Applicant No. 1 is Sampat's Sister, applicant No. 2 is applicant No. 1's husband and applicant No. 4 is Sampat's Nephew's wife.

2. Heard learned counsel for the applicants, learned APP and learned counsel for the respondent No. 2.

3. Learned counsel for the applicants submitted that as far as the present three applicants are concerned, no allegations are made against them.

4. Learned counsel for the respondent No. 2 and learned APP oppose this application and support the statement in the FIR and statements of witnesses.

5. We have considered the submissions. We have perused the FIR and statements of witnesses. The FIR mentions that the informant got married with Sampat about 19 years ago. Initially, she was treated properly by all the accused including the applicants. After that, informant was asked to get Rs. 3,00,000/- from her father. On that ground, she was being harassed. There are allegations that on 02.07.2020, the accused Sampat, Giyanandeo and Yogesh assaulted her

and threw her outside the house with her children. The husband threatened the informant. Thereafter, she went back to reside with her parents. The husband went to informant's parents house and again demanded money. On that basis, the FIR is lodged. The charge-sheet contains statements of witness. They are father - Bhujang, mother- Nilawati, brother-Ajay and father's friend Ratan. All these statements are similar and they repeat the allegations. As we can see the marriage had taken place 19 years ago. There are vague and general allegations against the applicants. The allegation against husband's family and other accused are distinguishable. As far as present applicant Nos. 1, 2 and 4 are concerned, there are no specific allegations against them and proceedings against them are required to be quashed. Hence, we pass the following order.

ORDER

- (i) The application is partly allowed.
- (ii) The proceedings in RCC No. 64/2021 pending before the Judicial Magistrate First Class, Dharur are quashed in respect of applicant No. 1 – Sakhubai Babulal Jadhav, applicant No. 2 – Babulal Tulshiram Jadhav and applicant No. 4 – Shalu Giyanandeo Gaikwad.

8. The criminal application is disposed of.

(BHARAT P. DESHPANDE)
JUDGE

(SARANG V. KOTWAL)
JUDGE

PS.B.