

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

CRIMINAL APPLICATION NO.122 OF 2023

1. Sumit s/o Jagdish Goher
 2. Dipa w/o Vishal Kudiya
 3. Nita w/o Ravi Walmiki
 4. Anuradha Virendra Makwani
 5. Soham Shirish Makwani
- ... APPLICANTS**

VERSUS

1. The State of Maharashtra
 2. Sou. Komal Sumit Goher
- ... RESPONDENTS**

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Mr. R.S. Kasar, Advocate for applicants
Mr. A.R. Kale, A.P.P. for respondent No.1.
Mr. S.R. Andhale, Advocate for respondent No.2
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**CORAM : R.G. AVACHAT AND
SANJAY A. DESHMUKH, JJ.**

DATE : 1st DECEMBER, 2023

ORAL ORDER (PER SANJAY A. DESHMUKH, J.) :

Learned counsel for the applicant, on instructions, seeks leave to withdraw the application of applicant No.1 Sumit s/o Jagdish Goher – husband of respondent No.2. The application of applicant No.1 thus stands disposed of as withdrawn.

2. This is an application for quashing the F.I.R. bearing

Crime No.I-166/2022, registered with Bhingar Camp Police Station, Ahmednagar for the offences punishable under Sections 498-A, 323, 504, 506 read with Section 34 of the Indian Penal Code and the consequential Charge Sheet bearing R.C.C. No.1240/2022.

3. The respondent No.2 – informant averred in the report that, she married with co-accused on 12/12/2014 and begotten a son, who is 6 years of age. Her husband left the job. Thereafter she was harassed by demanding Rs.5 Lakhs by all the applicants. The applicants were abusing and beating her. Therefore, she lodged the report.

4. Learned counsel for the applicant submitted that, there is no prima facie evidence against the applicants No.2 to 5, who are married sisters-in-law of the informant. He lastly submitted to quash the report and the charge sheet.

5. The learned A.P.P. for the State and learned counsel for respondent No.2 strongly opposed the application, contending that names of all the applicants are mentioned in the report and there is prima facie evidence against them. They lastly prayed to reject the application.

6. Perused the report and the charge sheet. All the

allegations made against the applicants except the husband of the informant are vague and omnibus. There is no any specific incident of causing cruelty on the part of the applicants No.2 to 5. Thus, in the absence of prima facie evidence of cruelty, if the applicants No.2 to 5 are directed to face the trial, it would be abuse of the process of Court. The application to the extent of the applicants No.2 to 5 therefore deserves to be allowed and the same is allowed in terms of prayer clause (B) to the extent of applicants No.2 to 5.

7. The Criminal Application stands disposed of.

(SANJAY A. DESHMUKH, J.)

(R.G. AVACHAT, J.)

fmp/-