

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 184 OF 2023

1. Chandradip s/o Nivrutti Dinde
 2. Savita w/o Nagnath Narbage
 3. Kalpana w/o Chandradip Dinde
 4. Vishal s/o Nagnath Narbage
- ...Applicants

versus

1. The State of Maharashtra
 2. Varsha w/o Jaypal Narbage
- ...Respondents

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Mr. D.B. Pokale h/f Mr. V.B. Kamble, advocate for the applicants
Mrs. V.N. Patil-Jadhav, A.P.P. for respondent No.1
Ms. Sayali Tekale, advocate for respondent No.2 (appointed)

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**CORAM : R. G. AVACHAT AND
SANJAY A. DESHMUKH, JJ.
DATED : 19th OCTOBER, 2023.**

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

1. This application has been filed under Section 482 of the Cr.P.C. for quashment of F.I.R. No. 464 of 2020 registered with Degloor Police Station, district Nanded for the offences punishable under Sections 498-A, 494, 323, 504 r.w. 34 of I.P.C. and the consequential criminal case bearing R.C.C. No. 195 of 2020 pending before the J.M.F.C. Degloor, District Nanded.

2. The informant averred in the report that her marriage took place with co-accused Jaypal Narbage on 19.6.2009. She is blessed with a girl in the year 2011. The applicants and other accused persons

were demanding Rs.10,000/-. The informant therefore, stayed with her husband at Pune and again came at village Karegaon, Tq. Degloor, District Nanded. Thereafter also, the applicants treated her with cruelty. They used to keep her on starvation and were abusing and beating her. Due to intervention of elderly persons in the society, the informant was taken to her matrimonial home. But thereafter also, she was treated with cruelty. She left her matrimonial home on 3.9.2018 because of the harassment at the hands of the applicants and other accused persons. The informant came to know that her husband has performed second marriage on 19.6.2020. Even thereafter, Rs.1,00,000/- was demanded from the parents of informant, for the marriage of her sister-in-law. Therefore, she lodged the report.

3. Learned advocate for the applicants submitted that there is delay in lodging the report. All the allegations are vague and omnibus and no specific role is attributed to any of the applicants. The report is lodged only with a view to harass the applicants. Learned advocate lastly prayed to allow the application.

4. Learned A.P.P. for the State and learned advocate for respondent No.2 strongly opposed the application by contending that the names of the applicants are mentioned in the report. They have treated respondent No.2 with cruelty by demanding Rs.10,000/- and Rs.1,00,000/- from time to time. Thereafter, respondent No.2 went to reside with her parents. Lastly, they prayed to reject the application.

5. Perused the charge sheet. No doubt, the names of the applicants are mentioned in the report. However, the specific incident of alleged demand on the part of any of the applicants except the husband is not spelt out in the report. Vague and omnibus allegations are made against the applicants, which prima facie does not establish essential ingredients of Section 498-A and other offences of I.P.C. There is delay in lodging the report which has not been explained by respondent No.2-informant either in the report or supplementary statement. Considering all these aspects, there is no material to proceed against the applicants. Compelling the applicants to face the trial in such facts and circumstances would be an abuse of process of the Court. The application therefore, deserves to be allowed.

6. In view of the above, the application is allowed in terms of prayer of clause "B".

7. The applicants shall pay an amount of Rs.8000/- (Rupees Eight thousand only) to learned advocate for respondent No.2, appointed to represent respondent No.2, within two weeks from today.

8. List the matter on 02.11.2023 for compliance of the order.

(SANJAY A. DESHMUKH, J.)

(R. G. AVACHAT, J.)

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