

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

957 CRIMINAL APPLICATION NO.260 OF 2023

1. Ganesh Arun Shinde
2. Arun Haribhau Shinde
3. Kalinda Arun Shinde
4. Komal Arun Shinde
5. Ashvini Mukund Bhosale

..APPLICANTS

-VERSUS-

1. The State of Maharashtra
2. Smita Ganesh Shinde

..RESPONDENTS

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Advocate for Applicants : Mr. Sapkal Sandip R.
APP for Respondent/State : Mr.A.R. Kale
Advocate for Respondent No.2 : Mr. P.B. Rakhunde
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**CORAM : R.G. AVACHAT AND
SANJAY A. DESHMUKH, JJ.
DATED : 13th OCTOBER, 2023.**

ORAL ORDER (Per Sanjay A. Deshmukh, J.) :-

. The learned advocate for the applicants, on instructions, seeks withdrawal of application of applicant nos.1 and 2. The application to their extent is disposed of as withdrawn.

2. This is an application for quashing of charge-sheet on the basis of First Information Report (FIR) being Crime No.0510 of 2022 registered with Gevrai Police Station, Tq. Gevrai, Dist. Beed for the offences punishable under sections 498-A, 323, 504, 506, 34 of the

Indian Penal Code.

3. Informant averred in her report that her marriage was performed on 25th January, 2020. Her husband is serving in Army. She was residing with her in laws. Her father-in-law is not allowing her to use the mobile phone. All the applicants and her husband used to doubt her character. Her father-in-law was frequently teasing her. She cohabited for about one year and begotten baby girl. On 01.03.2020 her husband beaten her and expelled her from the house by demanding Rs.15,00,000/- for purchasing Scorpio Jeep and also warned that if the amount is not paid then they will not allow her to come to the house. She was expelled from the house. Therefore she lodged the report on 06.12.2022.

4. The learned advocate for the applicants submitted that other applicant no.3 i.e. mother-in-law, applicant no.4 unmarried sister-in-law of 17 years old and applicant no.5 married sister-in-law are no way concerned with the crime. No specific allegations are made against them, either in the report or in the statements of the witnesses. He, therefore, prayed to quash the report and charge-sheet.

5. The learned APP for the State and the learned advocate for respondent no.2 – informant strongly opposed the application. They submitted that names of all the applicants are mentioned in the report. They in furtherance of their common intention treated the

informant with cruelty. They prayed for rejecting the application as there is prima facie strong evidence.

6. Perused the charge-sheet. No doubt the names of all the applicants are mentioned in the report, however, their role is not specified in the report. All the allegations are made against the husband and father-in-law of the informant, who have withdrawn the application. Considering these factual aspects, compelling the applicants to face the trial would be certainly abuse of process of the Court. The application, therefore, deserves to be allowed. It is accordingly allowed in terms of prayer clause "B" to the extent of applicant nos.3 to 5.

(SANJAY A. DESHMUKH, J.)

(R.G. AVACHAT, J.)

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