

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

CRIMINAL APPLICATION NO.176 OF 2020

- 1] Shamsunder S/o Shankarrao Ningurkar
Age: 54 years, Occu.: Business.
- 2] Manisha W/o Shamsunder Ningurkarrao
Age: 49 years, Occu.: Household,
Applicant No.1 & 2 Both R/o. Flat No.12, 2nd Floor,
Parmar Apartment, Shiral Seth Chowk, 155/56,
Rastta Petha, Pune 411 011.
- 3] Sudhakar S/o Gopinath Katkar
Age: 72 yrs., Occu.: Agriculture.
- 4] Ratnamala W/o Sudhakar Katkar
Age: 67 yrs., Occu.: Household,
Applicant No.3 & 4 Both R/o. 1st Floor,
Parmar Apartment, Shiral Seth Chowk,
155/56, Rastta Petha, Pune – 411011.
- 5] Shriram Alias Amol S/o Vishnu Ningurkar
Age: 39 yrs., Occu.: Business,
R/o. : Wakeboard Garden, Bibwewadi, Pune. ..Applicants

VERSUS

- 1] The State of Maharashtra
Through the Police Inspector,
Police Station, Pathardi, Tq. Pathardi,
Dist.Ahmednagar.
- 2] Mrs.Mayuri W/o. Vyankatesh Ningurkar
Age: 29 yrs., Occu.: Household,
R/o. C/o. Madhavrao (Raju) Dinkarrao Patil,
Post. Kharvandi Kasar, Tal. Pathardi,
Dist.Ahmednagar. ..Respondents

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Advocate for Applicants : Mr.Kishor D. Khade
Additional PP for Respondent no.1 : Mrs.M.A.Deshpande
Advocate for Respondent no.2 : Mr.Chaitanya C.Deshpande

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**CORAM : MANGESH S. PATIL &
ABHAY S. WAGHWASE, JJ.**

DATE : 25 April 2023

ORDER (ABHAY S. WAGHWASE, J.) :-

. By invoking Section 482 of the Code of Criminal Procedure, the applicants, who are in-laws of respondent no.2 herein, are seeking quashment of crime no.521 of 2019, registered with Pathardi Police Station, Dist.Ahmednagar, for the offence punishable under Sections 498-A, 323, 504, 506 of the Indian Penal Code (IPC) and subsequent subsequent criminal proceeding bearing RCC No.286 of 2019 pending before the Judicial Magistrate First Class, Pathardi

2. Respondent no.2 herein set law into motion on 21-09-2019 alleging that after marriage with Vyankatesh Shamsundar Ningurkar on 05-03-2014, they came to reside with joint family of husband at Pune. According to her, for initial period, she was treated properly. Her father-in-law Shamsundar was running a shop whereas her husband was serving in a private company. Further, according to her, husband started saying that they do not have their own flat and they should purchase a flat and for that purpose, she should bring Rs.25,00,000/- from her parents. When she expressed her inability,

she has stated that husband, parents-in-law and grand parents-in-law got annoyed and abused her. She has alleged beating by kicks and fists blows and subjecting her to mental and physical cruelty by keeping her starving. They insisted her to bring money. When her parents and relatives gave understanding to accused persons, she has alleged that her father-in-law asked her to reside separately and she was asked to arrange for deposit to be paid for rent. According to her, during her stay in rented house for two months at that time, in-laws instigated her husband, mislead and misinformed him. On 02-10-2014, she was beaten and dropped at her parent's place. When efforts of redressal before Women's Grievance Redressal Cell is failed, she lodged complaint against husband, father-in-law, mother-in-law, grand parents-in-law.

It is the above FIR and the charge-sheet resulted thereupon in investigation is now sought to be quashed and set aside.

3. While canvassing for relief, learned Advocate for the applicants would point out that the allegations are patently false. It is pointed out that solitary incident is quoted and even therein allegations are omnibus, general and non-specific. He pointed out that respondent no.2 initiated proceedings under the Protection of Women from

Domestic Violence Act, 2005 but the same failed and thereafter, out of annoyance and to take vengeance, FIR has been lodged. It is pointed out that applicant nos.3 to 5 have no concern with the domestic affairs of respondent no.2 and her husband. According to the learned Advocate, behaviour of respondent no.2 herself was unbecoming of that of wife and daughter-in-law and for that reason infact she was being treated for some mental ailment. Thus, according to him, with such allegations which are baseless, prosecution should not be allowed to be continued, more particularly, against applicant nos.3 to 5.

4. Learned APP as well as learned Advocate for respondent no.2 opposed the application and relief prayed pointing out that the applicants are named. Their roles are specified. That they all instigated husband to put up demand for money for purchasing a flat and have also kept her starved and that she was subjected to physical and mental cruelty and investigation also revealed complicity of all accused persons. Therefore, he prayed that relief as prayed be turned down.

5. We have heard both the sides and perused the record.

6. When this Court showed its disinclination to grant relief as against applicant nos.1 and 2, their learned Advocate, on instructions, sought permission to withdraw application to their extent.

7. Now, application to the extent of only applicant nos.3 to 5 remains for consideration.

8. Apparently, applicant nos.3 to 5 are grand father-in-law, grand mother-in-law and cousin brother-in-law respectively. Both applicant nos.3 and 4 i.e. grand parents-in-law seem to be residing at Parmar Apartment, Shiral Seth Chowk, Rastta Petha, Pune, whereas cousin brother-in-law seems to be resident of Bibwewadi, Pune. Thus, it is apparent that applicant nos.3 to 5 are residing at different places than the residence of respondent no.2 and her husband. Complaint is silent as to when applicant nos.3 to 5 joined accused husband in maltreating respondent no.2. Therefore, apparently, proceeding against applicant nos.3 to 5 seems to be abuse of process of law thereby necessitating interference to prevent injustice. Consequently, we proceed to pass following order :

ORDER

(I) Criminal Application is partly allowed.

(II) The FIR No.521 of 2019 registered with Pathardi Police Station, District Ahmednagar, for the offence punishable under Sections 498-A, 323, 504, 506 of the IPC and subsequent criminal proceeding bearing RCC No.286 of 2019 pending before the Judicial Magistrate First Class, Pathardi, to the extent of applicant nos.3 to 5, are quashed and set aside.

(III) Application to the extent of applicant nos.1 and 2 is dismissed as withdrawn.

(ABHAY S. WAGHWASE)
JUDGE

(MANGESH S. PATIL)
JUDGE