



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO.320 OF 2023

Anjali Kiran Mahadik and ors. ..Applicants
Vs.
The State of Maharashtra and anr. ..Respondents

Mr.D.S.Patil, Advocate for applicants
Mr.N.D.Batule, APP for respondent no.1
Mr.D.B.Pokale, Advocate for respondent no.2

CORAM : R.G.AVACHAT AND
SANJAY A. DESHMUKH, JJ.
DATE : DECEMBER 15, 2023

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

By this application under Section 482 of the Code of Criminal Procedure, the applicants pray for quashment of the FIR, being Crime No.205 of 2022, registered with Chaklamba Police Station, Tq. Georai, Dist. Beed, for the offences punishable under Sections 323, 324, 326, 498-A, 504 and 506 read with Section 34 of Indian Penal Code.

2. The informant averred in the report that she married with the brother (Ramprasad Chandrakant Kale) of applicant nos.1 and 3 on 16.06.2021. Her husband and his relatives used to ill-treat her by saying that she is mentally ill and took her for treatment to a mental

hospital at Ahmednagar. It is further alleged that on 03.11.2022, the relatives of the applicants took the informant in two cars (MH-12-NX-8998 and MH-12-KN-2955) to the village of her parents i.e. at Fulsavangi. On reaching there, they poured petrol on her person and beaten her. Thereafter, they left her there.

3. Learned counsel for the applicants submits that the present applicants have not participated in the alleged incident took place on 03.11.2022 as well as the earlier incidents of illtreatment to the informant. Applicant nos.1 and 3 are married sisters of husband of the informant. They are residing at their respective houses in different villages. He, therefore, urged for allowing the application.

4. Learned APP and learned counsel for respondent no.2 have strongly opposed the applications. They pointed out the supplementary statements of the informant, recorded on the second day of the alleged incident, in which she has clarified that the numbers of cars were wrongly mentioned in the report. Learned counsel for respondent no.2 fairly conceded that the role of present applicants is not pointed out in the report.

5. Perused the report and charge sheet. The report does not disclose names of any of the applicants. All the allegations are

made against other relatives of the husband of informant. Considering this fact, if the applicants are compelled to face the trial, it would be certainly an abuse of process of the court. In the circumstances, the application deserves to be allowed. The application is allowed in terms of prayer clauses (B) and (C-1).

[SANJAY A. DESHMUKH, J.]

[R.G. AVACHAT, J.]

KBP