

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

1004 CRIMINAL APPLICATION NO.490 OF 2023

1. Jaywardhan Shesherao Suryawanshi
2. Dipali Jaywardhan Suryawanshi
3. Priyananda Uttam Munde
4. Sunanda Shesherao Suryawanshi
5. Shakuntala Shesherao Suryawanshi
6. Shesherao Ganpatrao Suryawanshi
7. Rushikesh Shesherao Suryawanshi (**withdrawn**)

..APPLICANTS

-VERSUS-

1. The State of Maharashtra
2. Prajakta Rushikesh Suryawanshi

..RESPONDENTS

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Advocate for Applicants : Mr.M.V. Thorat

APP for Respondent/State : Mr.R.V. Dasalkar

Advocate for Respondent No.2 : Ms.Yugandhara Namde(appointed)

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**CORAM : R.G. AVACHAT AND
SANJAY A. DESHMUKH, JJ.
DATED : 4th AUGUST, 2023.**

PER COURT :-

1. Heard.
2. This is an application filed for quashment of FIR, being Crime No.61 of 2022 registered with Kingaon Police Station, Dist.Latur for the offences punishable under section 498-A, 323, 504, 506 read with 34 of the Indian Penal Code and consequential charge-sheet.

3. What can be gathered from the police papers is that the respondent -wife married co-accused Rushikesh on 1st June, 2021. She started residing at her matrimonial home at Nanded. The applicants herein are the sisters-in-law, brother-in-law, his wife and even parents-in-law of the respondent-wife. It has been alleged in the FIR that all the applicants and co-accused Rushikesh harassed and illtreated, physically and mentally as well, in connection with demand of Rs.2,00,000/-. The incident dated 15th June, 2021, that took place at 5 p.m., has been highlighted. All the applicants allegedly abused and beat up respondent-wife in connection with unlawful demand of money. They asked her to leave matrimonial home and return only with an amount of Rs.2,00,000/-. She contacted her mother and maternal uncle, who came and took her to parental house at village Andhori. Thereafter, efforts were made to ensure the co-accused Rushikesh would take her back, but in vain. Respondent-wife therefore first approached Womens Redressal Centre and then lodged the FIR at Kingaon Police Station. After investigation of the crime, the charge-sheet has been filed.

4. The learned APP and the learned appointed advocate would submit that FIR is replete with averments attributing the overt acts of illtreatment. They submit that no mini trial can be conducted

herein. Since there are averments of illtreatment, the only course for the applicants is to face trial. They, therefore, urged for rejection of the application.

5. Considered the submissions advanced. Perused the police papers. True, incident dated 15th June, 2021 has been specifically mentioned in the FIR, all the applicants and co-accused Rushikesh are alleged to have assaulted and abused the respondent-wife by that time, however, there are documents indicating that applicant no.1 to have been on duty at Maharashtra State Power Generation Co. Ltd., New Parli Thermal Power Station, Parli-Vajinath, 100 kms away from the matrimonial home of respondent no.2. The same indicates that he has been falsely implicated in the crime in question. Applicant no.2 is the wife of applicant no.1. Both of them are residing at Parali. When her husband was at Parali, there is nothing special to indicate that, she had reason to be at village Andhori. Other three applicants are married sisters-in-law. They have married about 8 to 10 years before the marriage of respondent no.2. There is nothing in the FIR to indicate that all the sisters-in-laws had come to their father's house and harassed respondent – wife. We have therefore every reason to observe that they have also been falsely implicated in the alleged crime. Parents-in-law are age old. The allegations of illtreatment are general in nature. No particular overt acts have been

attributed to any of the applicants even in relation to the incident that allegedly took place on 15th June, 2021. In the circumstances, directing the applicants to stand trial would be an abuse of process of the Court.

6. In the result, the application is allowed in terms of prayer clauses "A" and "B" to the extent of applicant nos.1 to 6.

7. Trial Court shall not be influenced by observations made herein while proceeding with the trial of offence against co-accused Rushikesh.

8. Fees of Ms.Yugandhara Namde, learned advocate, appointed to represent the cause of respondent no.2, is quantified Rs.7,000/-.

(SANJAY A. DESHMUKH, J.)

(R.G. AVACHAT, J.)

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