

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

CRIMINAL APPLICATION NO. 326 OF 2021

1. Amol Nandkumar Motegavkar
Age: 35 years, Occu.: Service
2. Nandkumar @ Vitthal Shivdas Motegavkar
Age: 75 years, Occu.: Agri.,
3. Bhagirathi Nandkumar Motegavkar
Age: 70 years, Occu.: Household,
All R/o Om Nagar, Renapur,
Tq. Renapur, Dist. Latur
4. Rekha Jivan Mote
Age: 37 years, Occu.: Household,
R/o Umbadga, Tq. Ausa, Dist. Latur
5. Shital Vishal Dadewad
Age: 32 years, Occu.: Household,
R/o Khadi, Tq. Palam, Dist. Parbhani
6. Sujata Ram Kasale
Age: 30 years, Occu.: Household,
R/o Kasalewadi, Tq. Shirur-Anantpal,
Dist. Latur

..APPLICANTS

VERSUS

1. State of Maharashtra
Through Police Inspector
Police Station Latur Gramin,
Tq. & Dist. Latur
2. Rohini Amol Motegavkar
Age: 27 years, Occu.: Household,
R/o c/o Atmaram Dnyanoba Jatal,
Bhatangali, Tq. & Dist. Latur

..RESPONDENTS

....

Mr. S.C. Swami, Advocate for applicants
Mr. S.D. Ghayal, A.P.P. for respondent no.1 - State
Ms. Manisha Dalave, Advocate for respondent no.2 (appointed)

....

**CORAM : SMT. ANUJA PRABHUDESSAI AND
R.M. JOSHI, JJ.**

DATE : 19th JANUARY, 2023

PER COURT :

1. This is an application under Section 482 of Code of Criminal Procedure filed by the aforestated applicants to quash the F.I.R. bearing C.R. No. 6 of 2021 registered with Latur Gramin Police Station, Dist. Latur and consequent R.C.C. No. 196 of 2021 pending in the file of learned J.M.F.C., Latur for the offences punishable under Sections 498-A, 323, 504, 506 read with Section 34 of the Indian Penal Code.

2. Heard finally with consent of learned counsel for the applicants, learned A.P.P. and learned counsel for Respondent No.2. We have perused the records and considered the submissions advanced by learned counsel for the respective parties.

3. The aforesaid crime was registered pursuant to the F.I.R. lodged by Respondent No.2 herein. The Applicant No.1 is the husband of Respondent No.2, the Applicant Nos. 2 and 3 are her parents-in-law, who are in the age group of 70-75 years and the Applicant Nos. 4, 5 and 6 are her married sisters-in-law.

4. The Respondent No.2 has stated that she was treated well for about a year after her marriage and thereafter all the applicants subjected her to physical as well as mental cruelty. The allegations made in the F.I.R. are general in nature. She has not given any specific instances of harassment or ill-treatment. The F.I.R. as well as the other material on record even if taken at their face value, do not disclose the offences as alleged. It is also to be noted that the Applicant No.1 and Respondent No.2 had filed a proceeding for divorce under Section 13-B of the Hindu Marriage Act. It was agreed between the parties to settle the matrimonial dispute between them on payment of Rs.5 lakhs to Respondent No.2. Learned counsel for Respondent No.2, on instructions, states that the Respondent No.2 has received an amount of Rs.5 lakhs as per the agreed terms. Both the parties agreed that they would not file or peruse proceedings against each other. By judgment dated 28th January, 2022 the Court has dissolved the marriage between Applicant No.1 and Respondent No.2.

5. Considering all the facts and circumstances in the case, in our considered view, it would be a fit case to exercise jurisdiction under Section 482 Cr.P.C. and quash the F.I.R. as well as the criminal proceeding. In the result, criminal application is allowed in terms of prayer clauses (B) and (B-1). Consequently, F.I.R. bearing C.R. No. 6 of 2021 registered with Latur Gramin Police Station, Dist. Latur and consequent R.C.C. No. 196 of 2021

pending in the file of learned J.M.F.C., Latur for the offences punishable under Sections 498-A, 323, 504, 506 read with Section 34 of the Indian Penal Code stand quashed qua the applicants.

6. Fees of Ms. Manisha Dalave, learned counsel, appointed to represent Respondent No.2 is quantified to Rs.6,000/- (Rupees Six Thousand).

(R.M. JOSHI, J.)
SSD

(SMT. ANUJA PRABHUDESSAI, J.)