

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 652 OF 2023

1. Pradeep S/o Vilas Awasarmol
Age : 30 years, Occ : Nil,
(Withdrawn)
2. Vilas S/o Shankar Awasarmol
Age : 57 years, occ : Service,
3. Phulabai W/o Vilas Awasarmol
Age : 52 years, Occ : Household,
4. Aniket S/o Vilasrao Awasarmol
Age : 24 years, Occ : Student

Applicants 1 to 4 are
R/o Deulgaonmahi, Tq. Deulgaonraja,
Dist. Buldhana.

5. Archana W/o Ramdas Khandare
Age : 32 years, Occ : Household,
R/o Mera, Tq. Chikhali, Dist. Buldhana

..APPLICANTS

-VERSUS-

1. The State of Maharashtra
Through its Police Station,
Sewali, Tq. Mantha, Dist. Jalna.
2. Uma W/o Pradeep Awasarmol
Age : 25 years, Occ : Household,
R/o Jaypur, Tq. Mantha,
Dist. Jalna.

..RESPONDENTS

...

Advocate for Applicants : Mr.Y.L. Bidve
APP for the Respondent/State : Mr.P.G. Borade
Advocate for respondent no.2 : Mr.R.P. Nagarkar

.....

**CORAM : R.G. AVACHAT AND
SANJAY A. DESHMUKH, JJ.**

DATED : 21st JUNE, 2023.

JUDGMENT (PER Sanjay A. Deshmukh, J.) :-

1. Rule. Rule made returnable forthwith. Heard finally with the consent of the learned advocates for the parties.
2. This is an application filed under section 482 of the Criminal Procedure Code, 1973 for quashing of FIR bearing Crime No.191 of 2022 registered at Police Station, Sewali, Tq. Mantha, Dist. Jalna and the charge-sheet filed in R.C.C. No.247 of 2022 pending on the file of the Judicial Magistrate, First Class, Mantha, Dist. Jalna for the offences punishable under sections 498-A, 323, 504, 506 read with 34 of the Indian Penal Code, 1860 (for short, "IPC").
3. The learned advocate for the applicants submitted that the applicants are falsely implicated in this crime. He pointed out that the informant was residing with her husband at her parental house at Jaypur, Tq. Mantha, Dist. Jalna. Thereafter, her husband took away the motorcycle of the brother of the informant and went away to his village behind back of the informant. It is alleged that the applicants were illegally demanding household articles viz. T.V., A.C., Freeze etc. The applicants were abusing and slapping her. Applicant no.1 used to drink the liquor and used to demand the articles.
4. The learned APP and the learned advocate for respondent no.2 strongly opposed the application. They submitted that report

prima facie shows that there is sufficient evidence against the applicants. They lastly prayed to reject the application.

5. The report is lodged on 22.10.2022. The last incident of illegal demand is alleged to have been committed in the month of May, 2022. During the stay of informant with applicant from 30.09.2022 to 21.10.2022, there is no demand on the part of any of the applicants. There is unreasonable delay for lodging of the report. There is no evidence of cruelty as alleged by the informant. Thus, there is no prima facie evidence of cruelty against the applicants. Therefore, the FIR as well as the charge-sheet deserve to be quashed. The argument of the learned APP and the learned advocate for respondent no.2 is not acceptable in this regard. Hence the following order :-

ORDER

a. The application is allowed. FIR bearing Crime No.191 of 2022 registered at Police Station, Sewali, Tq. Mantha, Dist. Jalna and the charge-sheet filed in R.C.C. No.247 of 2022 pending on the file of the Judicial magistrate, First Class, Mantha, Dist. Jalna for the offences punishable under sections 498-A, 323, 504, 506 read with 34 of the Indian Penal Code to the extent of applicant nos.2 to 5 are quashed and set aside.

b. Rule made absolute in the above terms.

(SANJAY A. DESHMUKH, J.)

(R.G. AVACHAT, J.)

sga/