

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

CRIMINAL APPLICATION NO.826 OF 2023

1. Shrinivas s/o Baliram Kute
 2. Sushila w/o Baliram Kute
 3. Smita w/o Narayan Ghule
- ... APPLICANTS**

VERSUS

1. The State of Maharashtra
 2. Pallavi w/o Shrinivas Kute
- ... RESPONDENTS**

.....
Ms. Rani R. Tandale, Advocate for applicants
Mr. R.B. Bagul, A.P.P. for respondent No.1.
Mr. R.G. Hange, Advocate for respondent No.2.
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**CORAM : R.G. AVACHAT AND
SANJAY A. DESHMUKH, JJ.**

DATE : 26th JULY, 2023

ORDER :

This application is filed for quashment of R.C.C. No.8/2023, pending before the learned Judicial Magistrate, First Class, Patoda, District Beed which is registered pursuant to the F.I.R. bearing Crime No.0214/2022, registered at Patoda Police Station, District Beed for the offences punishable under Sections 498-A, 323, 504, 506 read with Section 34 of the Indian Penal Code.

2. What can be gathered from the F.I.R. and the police papers is that, the respondent No.2 wife married co-accused Shriniwas in July 2021. Her parents spent a lot for the marriage. She was treated well for first one month of marriage. Thereafter, the co-accused Shriniwas, his mother and sister started ill-treating her. They would ask her to fetch amount of Rs.20 Lakhs from her parents for business purpose. The respondent wife was also relieved of her Stridhan (gold ornaments). Ultimately she lodged the F.I.R. on 21/11/2022.

3. Learned counsel for the applicants would submit that, the respondent wife was suffering from some kind of ailment. She did not disclose the same at the time of settlement of marriage. On having realised the said fact, the husband filed petition for dissolution of marriage. As a counterblast thereto, the present crime came to be registered. According to her, there are general, omnibus and vague allegations. No specific incident of ill-treatment has been averred. She, therefore, urged for grant of the application.

4. The learned counsel representing the respondent No.2 and the learned A.P.P. would, on the other hand, submit that, a sum of Rs.2 Lakhs was paid to the husband and his mother in the presence of one Dadasaheb and one Ganesh. Our attention then was adverted to the statements of both these persons. They

reiterated that the amount was paid by the father of the respondent wife to her husband and mother in their presence. When we expressed disinclination to grant relief to the applicants No.1 and 2, learned counsel for the applicants came around to withdraw their application. The application of applicants No.1 and 2 thus stands disposed of as withdrawn.

5. So far as applicant No.3 is concerned, she is married sister-in-law of respondent wife. The averments in the F.I.R. indicate that, whenever she used to visit her parental house, she would ill-treat the respondent wife. As such, these allegations against her are general, vague and omnibus. Not a single incident of ill-treatment by her, is highlighted either in the statements or in the F.I.R. We are, therefore, inclined to allow the application to the extent of applicant No.3.

6. In view of the above, the Criminal Application is allowed in terms of prayer clause (B) to the extent of applicant No.3 and stands disposed of.

7. The respondent No.2 is a woman. She is serving in Revenue Department. She is, therefore, granted permanent exemption from appearing before the trial Court. The trial Court shall enforce her presence before it as and when required. The exemption from appearance has been granted provided the

Advocate representing the applicant – mother-in-law would assist in taking the trial to its logical conclusion.

(SANJAY A. DESHMUKH, J.)

(R.G. AVACHAT, J.)

fmp/-