

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

CRIMINAL APPLICATION NO.728 OF 2019

1. Eknath s/o Ashroba Kajle
2. Ashroba s/o Vishwanath Kajle
3. Sagarbai w/o Ashroba Kajle
4. Rameshwar @ Rama s/o Ashroba Kajle... **APPLICANTS**

VERSUS

1. The State of Maharashtra
2. Sonali w/o Eknath Kajle ... **RESPONDENTS**

.....
Mr. M.P. Tripathi, Advocate for applicants
Mr. S.J. Salgare, A.P.P. for respondent No.1.
Mr. S.K. Chavan, Advocate for respondent No.2.
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**CORAM : R.G. AVACHAT AND
SANJAY A. DESHMUKH, JJ.**

DATE : 18th JULY, 2023

ORDER :

Learned counsel for the applicants, on instructions, seeks leave to withdraw the application of the applicant No.1. The application of applicant No.1 stands disposed of as withdrawn.

2. Heard. This application has been moved for quashment of F.I.R. bearing Crime No.280/2018, registered at Police Station Sailu, District Parbhani for the offences punishable

under Sections 498-A, 323, 504, 506 read with Section 34 of the Indian Penal Code and the consequential proceedings bearing R.C.C. No.63/2019, pending before the learned Judicial Magistrate, First Class, Sailu, District Parbhani.

3. Close reading of the F.I.R. and the related papers indicate that the respondent - wife married co-accused Eknath in December 2015. Thereafter the husband and all the in-laws started ill-treating her, suspecting her character. For delivery, she left her matrimonial home to her parental home and since then she has not been brought back to her matrimonial home. It has, however, been averred in the F.I.R. that, post delivery, she returned to her matrimonial home and stayed for about three months. She was treated well for some days, but again ill-treatment continued for same reason, i.e. suspecting her character.

4. So far as regards ill-treatment in connection with unlawful demand of money of Rs.5 Lakhs is concerned, it has been alleged that all the applicants and the co-accused Eknath had been to her parental home on 21/10/2018 and they made a demand of Rs.5 Lakhs to get her back.

5. The record indicates that, the respondent - wife has initiated proceedings under the provisions of Protection of Women from Domestic Violence Act twice. In both the applications

preferred under Section 12 of the Domestic Violence Act, we do not come across any averment/ allegation of ill-treatment in connection with an unlawful demand of money or anything. As such, in our view, the incident dated 21/10/2018 is nothing but an afterthought, just to make out an offence punishable under Section 498-A of the Indian Penal Code. In view of the same, the Court is inclined to allow the application of applicants No.2 to 4. Hence the order :

ORDER

- (i) The criminal application is partly allowed.
- (ii) The F.I.R. bearing Crime No.280/2018, registered at Police Station Sailu, District Parbhani for the offences punishable under Sections 498-A, 323, 504, 506 read with Section 34 of the Indian Penal Code and the consequential proceedings bearing R.C.C. No.63/2019, pending before the learned Judicial Magistrate, First Class, Sailu, District Parbhani are quashed to the extent of applicants No.2 to 4.
- (iii) The criminal application stands disposed of.

(SANJAY A. DESHMUKH, J.)

(R.G. AVACHAT, J.)

fmp/-