

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

CRIMINAL APPLICATION NO. 812 OF 2020

1. Jaydev Shripat Baisane
2. Nitish Jaydev Baisane
3. Guddu @ Shirish Jaydev Baisane ..APPLICANTS

VERSUS

1. State of Maharashtra
2. Sangita Suresh Baisane ..RESPONDENTS

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Mr. N.L. Choudhari, Advocate for applicants
Mr. R.V. Dasalkar, A.P.P. for respondent no.1 – State
Mr. N.R. Suryawanshi, Advocate for respondent no.2

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**CORAM : R.G. AVACHAT AND
SANJAY A. DESHMUKH, JJ
DATE : 20th JULY, 2023**

PER COURT :

1. This application, under Section 482 of Code of Criminal Procedure, has been filed for quashment of the First Information Report ('F.I.R.'), being Crime No. 477 of 2019 registered with Dhule Taluka Police Station, Dist. Dhule for the offences punishable under Sections 395, 504 and 506 of the Indian Penal Code ('I.P.C.').

2. Heard.

3. The incident took place on 27th December, 2019. The F.I.R. has been lodged after three days i.e. on 30th December, 2019. As per the F.I.R. mother of Applicant No.1 – Jaydev passed away on 26th December, 2019 at village Kusumba, Dist. Dhule. Respondent No.2 – Sangita (informant) is the daughter-in-law of the deceased. Her husband – Suresh, therefore, took her and their children to village Kusumba for funeral of his mother. It appears that all was not well between the two brothers viz. Suresh and Jaydev. The informant and her husband were, therefore, not treated well while they had been to the house of Applicant No.1 for funeral.

4. The first part of the F.I.R. pertains to the incident of the informant to have allegedly been robbed of her gold ornaments worth Rs.1,95,000/- by the co-accused named therein. The said incident had allegedly took place when the dead body was carried to crematorium. As such, the present applicants are no way concerned with the incident that took place with the informant – Sangita.

5. After the funeral, all the family members returned home. Thereafter, the present applicants are alleged to have assaulted Suresh, husband of the informant. He, therefore, approached the concerned police station. The Police Station Officer there referred him for medical examination. The medical examination report indicate him to have suffered

blunt trauma. We have to take this subsequent incident (post funeral) in isolation since in the F.I.R. there is nothing to indicate the said incident to have taken place in the course of the same transaction i.e. the offence committed against the informant after the dead body was taken for funeral. Accepting everything to be correct as against the present applicants, it would nothing more than an offence punishable under Section 323 of the I.P.C. The same should not have been a subject matter of F.I.R. In view of the observations in the case of ***State of Haryana and Others Vs. Ch. Bhajan Lal and Others, 1992 AIR 604.***, we are inclined to allow this application.

6. In view of above, the F.I.R. and consequential charge-sheet filed against the present applicants only, stand quashed.

(SANJAY A. DESHMUKH, J.)

SSD

(R.G. AVACHAT, J.)