

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

964 CRIMINAL APPLICATION NO.1402 OF 2023

Mahesh Digambar Pardeshi

..APPLICANT

-VERSUS-

1. The State of Maharashtra
2. Vaishali Dinesh Pardeshi

..RESPONDENTS

...

Advocate for Applicant: Mr.Kulkarni Suvidh S.

APP for Respondent/State : Mr.R.V. Dasalkar

Advocate for Respondent No.2 : Mr.S.T. Jadhav h/f Mr.Deogude Sachin S.

.....

**CORAM : R.G. AVACHAT AND
SANJAY A. DESHMUKH, JJ.
DATED : 7th NOVEMBER, 2023.**

PER COURT :-

. Heard.

2. This application has been filed for quashing of the charge-sheet, being Sessions Case No. 200 of 2022 pending before the Sessions Court at Aurangabad in pursuance of the First Information Report (FIR) being C.R. No. 98 of 2021 registered with Harsool Police Station, Aurangabad for the offence punishable under sections 307, 498-A, 323, 504 of the Indian Penal Code.

3. The applicant before us is brother-in-law of respondent no.2/informant. FIR has been lodged on 19th April, 2021 while the informant was in ICU in Bembde hospital. It has been averred therein

that by 8.30 p.m., on 18th April, 2021, she was at her matrimonial home. Her husband Dinesh Pardeshi (co-accused) asked her to fetch Rs.5,00,000/- for his father's medical treatment. She expressed her inability to meet his demand. He thereupon abused her and even beaten her up. The applicant was present there. Thereafter, the husband went out of the house with a empty mineral water bottle. He return with the said bottles filled with petrol. Then he emptied the bottle on her person. Then he ignited the matchstick and set her ablaze. She raised cries. The applicant then arrived on hearing her cries. She rushed to the bathroom to have water on her person. The applicant then taken her to GHATI hospital on his motor bike.

4. The learned APP has reservations to grant petitioner relief.
5. Close reading of the FIR would indicate, the informant does not attribute any criminal act to the present applicant. She, however, gave supplementary statement on 27.04.2021 stating therein that the applicant instigated her husband to continue to beat her up until demand of money is met. Our attention is adverted by the learned advocate for respondent no.2 to other statements on the same lines given by the witnesses.
6. We have every reason to observe that the supplementary statement given by respondent no.2 and witnesses is nothing but after thought story. Minor child of 8 years i.e. son of respondent no.2 gave his statement, wherein he does not attribute any overt act to the

present applicant. In view of the same, we reiterate that asking the petitioner to stand trial based on after thought statement given by the informant would necessarily be abuse of process of Court. We, therefore, allow this application in terms of prayer clause B.

(SANJAY A. DESHMUKH, J.)

(R.G. AVACHAT, J.)

sga/