

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

970 CRIMINAL APPLICATION NO.1649 OF 2023

1. Ravindra Dashrath Bhalerao
2. Yashodabai Dashrath Bhalerao
3. Dashrath Raibhan Bhalerao
4. Nitin Dashrath Bhalerao
5. Uma Nitin Bhalerao

..APPLICANTS

-VERSUS-

1. The State of Maharashtra
2. Renuka Ravi Bhalerao

..RESPONDENTS

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Advocate for Applicants : Mr. Quadri Tabrezuddin Rahimuddin
APP for Respondent/State : Mr.M.M. Nerlikar
Advocate for Respondent No.2 : Ms. Uma S. Bhosle (appointed)

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**CORAM : R.G. AVACHAT AND
SANJAY A. DESHMUKH, JJ.**
DATED : 19th OCTOBER, 2023.

ORAL ORDER (Per Sanjay A. Deshmukh, J.) :-

1. The learned advocate for the applicants, on instructions, seeks withdrawal of application of applicant no.1. The application to his extent stands disposed of.
2. This is an application filed for quashment of First Information Report (FIR) being Crime No.30 of 2023 registered with Kannad City Police Station for the offence punishable under sections 498-A, 323, 504, 506 r/w 34 of the Indian Penal Code and consequential charge-sheet, being Regular Criminal Case No.103 of

2023 pending before the Judicial Magistrate, First Class, Kannad, Dist.Aurangabad.

3. Informant averred in her report that her marriage was performed on 01.05.2016. She begotten daughter, who is now 4 years old. All the applicants were harassing and treating her with cruelty by demanding Rs.2,00,000/- for purchasing new house. On 01.02.2023, at about 1.30 p.m., the husband of the informant beaten her and expelled her from the house. Other applicants abused her. Therefore, she lodged the report on 07.02.2023.

4. The learned advocate for the applicants pointed out that earlier to filing of the report husband of the informant filed application for restitution of conjugal rights. Report does not disclose the specific role of the applicants. He lastly prayed for quashing the report and charge-sheet.

5. The learned APP for the State and learned advocate for respondent no.2 – informant strongly opposed the application by contending that the names of the applicants are mentioned in the report. They have treated the informant with cruelty by demanding Rs.2,00,000/- for purchasing the house. They have also abused the informant. Considering the prima facie evidence against the

applicants, it is lastly prayed to reject the application.

6. Perused the report and charge-sheet. Report shows the allegations of beating by husband of the informant on 01.02.2023. There are allegations that the applicants abused and expelled informant from the house. These allegations are vague and omnibus. No specific role of any of the applicants is pointed out either in the FIR or statements of witnesses. To proceed against the applicants on such insufficient material would be certainly an abuse of the process of the Court. The application, therefore, deserves to be allowed. It is allowed accordingly in terms of prayer clause "B" and "B-1" to the extent of applicant nos.2 to 5.

7. Fees of Ms.Uma S. Bhosle, learned advocate, appointed to represent respondent no.2, is quantified at Rs.10,000/- to be paid by High Court Legal Services Sub-Committee, Aurangabad.

(SANJAY A. DESHMUKH, J.)

(R.G. AVACHAT, J.)

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