

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL WRIT PETITION NO. 780 OF 2022

1. Narsingh s/o Yashwant Neherkar
2. Meera w/o Narsingh Neherkar ...Petitioners

versus

1. The State of Maharashtra
2. Ashwini w/o Pravin Neherkar ...Respondents

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Mrs. Satyabhama R. Awad, advocate for the petitioners

Mr. A. R. Kale, A.P.P. for respondent No.1

Mr. K.R. Yadav h/f Mr. S.J. Salunke, advocate for respondent No. 2.

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**CORAM : R. G. AVACHAT AND
SANJAY A. DESHMUKH, JJ.
DATED : 2nd AUGUST, 2023.**

O R D E R (PER SANJAY A. DESHMUKH, J.) :-

1. Heard the learned advocates for the respective parties.
2. This writ petition is filed under Section 482 of Cr.P.C. for quashment of FIR No.93 of 2018 registered with Dharur Police Station, district Beed for the offences punishable under Sections 498-A, 323, 504, 506 r.w. 34 of I.P.C. and the consequential charge sheet filed in pursuance to the said F.I.R.
3. Respondent No.2/informant has lodged the F.I.R. contending that she married with co-accused Pravin, the son of the petitioners on

18.6.2017. It is alleged that after one month of the marriage, the informant and her husband came to reside at Pune. The petitioners and co-accused, husband of the informant, started making demand of Washing Machine and LED TV from the parents of informant and treated the informant with cruelty. They threatened to kill her. She was driven out from the matrimonial house. She came to her parental house. It is further alleged that on the second day i.e. on 3.9.2017, the petitioners, husband of the informant, her sister-in-law and the husband of sister-in-law came to her parental house and demanded those articles again. They also threatened her to give the divorce. Therefore, the respondent/informant lodged the report on 16.5.2018.

4. The learned advocate for the petitioners submitted that there is inordinate delay of more than seven months for lodging the report and the said delay is not satisfactorily explained. The allegations made against the petitioners are baseless and they are falsely implicated in the crime. He lastly prayed to allow this writ petition by quashing the F.I.R. and the consequential charge sheet to the extent of the petitioners.

5. The learned A.P.P. for the respondent State and the learned advocate for respondent No.2 informant submitted that the illegal demand of Washing Machine and LED TV is the root cause of ill-treatment meted out to the informant with cruelty which establishes

the ingredients of Section 498-A of I.P.C. They lastly prayed for rejection of the writ petition.

6. Perused the charge sheet. It appears that the alleged last incident of demand took place on 3.9.2017. However, no report is lodged immediately thereafter within a reasonable time. The report is lodged against these petitioners after seven months of the alleged demand. There is no satisfactory explanation as to why delay is caused for lodging the report. No specific role of any of the petitioners is attributed in the report as well as the charge sheet. Thus, in our view, *prima facie*, there is no cogent and reliable material against the petitioners to proceed with the trial. It would be abuse of process of Court if the petitioners are compelled to face the trial. Hence, the writ petition deserves to be allowed.

7. In view of the above, the writ petition is allowed in terms of prayer clause "A" and "B" to the extent of the petitioners herein only. No costs.

(SANJAY A. DESHMUKH, J.)

(R. G. AVACHAT, J.)

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