

THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

CRIMINAL APPLICATION NO. 1916 OF 2023

01. Ramesh W/o. Sahebrao Pawar,
Age- 34 Years, Occu- Unemployed,
R/o. Garwadi Tanda, Taluka- Badnapur,
Dist- Aurangabad.
02. Premdas Dalsing @ Dhansing Chavan,
Age 28 year, Occ. Agril.,
R/o. Tupewadi, Tal- Badnapur,
Dist. Jalna.
03. Bhagwan Dalsing @ Dhansing Chavan,
Age: 31 years, Occ. Agril., R/o. As above.
04. Kantabai Dalsing @ Dhansing Chavan,
Age. 50 years, Occ. Agril.,
R/o. Tupewadi, Tal- Badnapur,
Dist. Jalna.
05. Ansabai Sahebrao Pawar,
Age-60 years, Occu- Agril,
R/o. Garvadi Tanda, Taluka- Badnapur,
Dist- Jalna.
06. Vasantrao Haridas Rathod,
Age-45 years, Occ. Agril.,
R/o. Pirkalyan, Tal. & Dish Jalna. ... Applicants

Versus

01. The State of Maharashtra through the
Chandanzira Police Station Officer,
Police Station Chandanzira,
Tal- & Dist- Jalna.
02. Seema W/o. Premdas Chavan,
Age- 33 Years, Occu- Household,
R/o. Tupewadi, Chandanzira,
Tal- Badnapur, Dist- Jalna. ... Respondents

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Mr. Vishnu Yadavrao Patil, Advocate for Applicants.

Mr. R. V. Dasalkar, APP for Respondent No.1 / State.

Mr. A. G. Deshmukh, Advocate for Respondent No.2.

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CORAM : **R. G. AVACHAT and
SANJAY A. DESHMUKH, JJ.**

DATE : 05th June, 2023.

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

. This is an application under Section 482 of the Code of Criminal Procedure, 1973 for quashing of FIR No.0307 of 2020, registered with the Chandanzira Police Station, Taluka and District Jalna, for the offences punishable under Sections 307, 498-A, 323, 504 read with 34 of Indian Penal Code, 1960 and under Sections 3 and 4 of the Dowry Prohibition Act, 1961.

2 Brief facts of the case are that, informant Seema lodged report against her husband and in-laws alleging that the applicants demanded Rs.50,000/- to her and threatened that if it is not paid by her, they will not allow her to cohabit with her husband. On 29th August, 2020, she consumed poison because of ill-treatment caused by the applicants. She was treated in the hospital at Rajur and

thereafter, at Santkrupa hospital at Jalna. The informant was again ill-treated for the payment of bill of that hospitals. On 2nd September, 2020, all the applicants forcibly administered poison to her. That time, applicant No.1 Ramesh instigated them by making phone call for administering poison to her. Again she was admitted in the hospital at Rajur and thereafter, she lodged the report against the applicants.

3 Initially applicant No.1 husband of the sister-in-law of the informant filed this criminal application. The case is compromised. The informant is cohabiting with her husband. Applicant Nos.2 to 6 are also added as applicants, as per directions of this Court.

4 There is compromise between the informant and the applicants and now the informant is residing with her husband and in-laws happily. Today, she is present in the Court hall alongwith her husband.

5 The informant has filed affidavit dated 30th May, 2023. Paragraph Nos.3 and 4 of the said affidavit read as under:-

“03. I say and submit that after some days of incident of FIR No. 0307/2020, there was meeting held between the family members of my maternal home and matrimonial home. It was decided in that meeting, that we have two children and

both I and my husband wanted to cohabit happily along with our children. That time it was also decided that my husband and in-laws will treat me nicely and I will withdraw all the cases against them. It was mutually decided between me and my husband that for sake of our happy future, we will conclude all the disputes along with the disputes arose out of FIR No. 0307/2020. But thereafter the Covid pandemic was started and said FIR could not get quashed and set-aside. Meanwhile the investigation officer have filed Charge-Sheet in said crime and the said is registered as Sessions Case No. 45 of 2023 in learned Sessions Court at Jalna.

04. I say and submit that the present application is filed by the applicant who is one of the accused in FIR No. 0307/2020 and he seeks to quash and set-aside the same to his extent. As I have already decided to withdraw cases against my husband and his relatives, therefore, the present respondent hereby declares that she has no objection if this Hon'ble Court quash and set-aside the proceeding pending in the learned Sessions Court Jalna vide Sessions Case No. 45 of 2023 file under First Information Report No. 0307/2020 to the extent of present applicant."

6 As far as applicant No.1 is concerned, it appears that he is falsely implicated in this crime. It is highly impossible to accept that he participated in this crime by making phone call to the other applicants to administer poison to the informant. Thus, applicant No.1 is falsely implicated in this crime.

7 Considering all these facts and circumstances of the case and the contents of the said affidavit filed by the informant, we are inclined to grant relief of quashing of FIR in question. Nothing can be achieved by asking the applicants to face the trial for aforesaid offences. In the result, the following order is passed:

ORDER

- I. The criminal application is allowed in terms of prayer clause (B).
- II. The criminal application stands disposed of.

[SANJAY A. DESHMUKH, J.]

[R. G. AVACHAT, J.]

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