

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD

949 CRIMINAL APPLICATION NO.1889 OF 2020

MEERA SANJAY RAJANE AND ANOTHER  
VERSUS  
THE STATE OF MAHARASHTRA AND ANOTHER

...

Advocate for Applicants : Mr.Ade Ravindra B.

APP for Respondents: Mr. N.T. Bhagat

Advocate for Respondent no.2 : Mr.Arjun R. Lukhe (appointed)

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

**DATED : 20<sup>th</sup> JUNE, 2023.**

**PER COURT :-**

1. Heard.
2. This application is filed for quashment of the FIR being C.R. No.201 of 2020, registered with Himayatnagar Police Station, District Nanded for the offences punishable under sections 498-A, 494, 323, 504, 506 read with section 34 of the Indian Penal Code and the consequential proceedings being R.C.C. No.49/2021 pending before the Judicial Magistrate, First Class, Himayatnagar.
3. The applicants before the Court are informant's sister-in-law and her husband. The F.I.R. has been lodged on 26<sup>th</sup> September, 2020 with averments therein that informant married with Keshav on 19<sup>th</sup> April, 2017. On marriage she started residing at her matrimonial home along with parents-in-law and others. It is further case that for

initial period of marriage she was treated well. The husband and in-law thereafter started ill-treating her for one or the other reason. They would illtreat her with a view to fetch Rs.3,50,000/- from her parents for doing some business. It has further been alleged in the FIR that the husband has illicit relations with a woman in the village. The applicants and other in-laws would on one or the other way helped him to keep such relationship. Within one year of her marriage, informant conceived. She left her matrimonial home for delivery. When she returned to her matrimonial home, she realised her husband to have been residing with some other woman. She therefore approached the concerned police station and lodged the FIR.

4. The learned advocate representing the informant and the learned APP would submit that the averments in the FIR make out a case against the applicants and the statement of relations of the informant reinforce the same. No mini trial can be conducted in the proceedings under section 482 of the Code of Criminal Procedure. It is for the trial Court to proceed with the matter. Both of them therefore urged for dismissal of the application.

5. Considered the submissions advanced. Perused the FIR and papers of investigation. The informant's sister-in-law and her husband are before the Court. There are in all eleven accused

persons against whom the FIR has been lodged and charge-sheet has been filed. Admittedly, sister-in-law of the informant got married about 10 years before the informant's marriage took place. She has been residing along with her husband (applicant no.2) at the service place of the applicant no.2, 100 kms away from matrimonial home of the informant. FIR is silent to state as to when the applicants had been to her residence and manner in which they have illtreated her. As such it is case of general allegations without there being any details as to the date and time and manner in which the informant was illtreated. In such circumstances, if the prosecution is allowed to be proceeded against the applicants herein, it would be sheer abuse of process of Court. Moreover, interest of justice demands grant of the application.

6. In the result, the application is allowed in terms of prayer clauses "B" and "BB".

7. Fees of Mr.A.R. Lukhe, learned counsel, appointed to represent respondent no.2, is quantified at Rs.7,000/- (Rs.Seven Thousand).

**(SANJAY A. DESHMUKH, J.)**

**(R.G. AVACHAT, J.)**

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