

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

977 CRIMINAL APPLICATION NO.2459 OF 2022

1. Vishal s/o Narsingh Kamble (withdrawn)
2. Anita w/o Narsingh Kamble
3. Narsingh Sambhaji Kamble
4. Bandhani d/o Narsingh Kamble @
Rajnandini w/o Avinash Sugire
5. Vishwajit s/o Vishnudev Kamble
6. Pandurang @ Vishwadeep s/o
Vishnudev Kamble
7. Nagnath s/o Dashrath Kamble
8. Sunita w/o Vishnudeo Kamble ...Applicants

versus

1. The State of Maharashtra
2. Indumati @ Vedika w/o Vishal Kamble ...Respondents

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Advocate for Applicants : Mr. Harshad H. Padalkar h/f Mr. D. M.
Bhalke

APP for Respondent No.1: Mr. P.N. Kutti

Advocate for Respondent No.2 : Mr. V.S. Valse and Mr. N.S.
Muchate

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**CORAM : R. G. AVACHAT AND
SANJAY A. DESHMUKH, JJ.
DATED : 11th OCTOBER, 2023.**

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

This is an application for quashment of the F.I.R. No. 359 of
2022 registered with Vivekanand Nagar Police Station, Latur for the

offences punishable under Sections 498-A, 323, 504, 506 r.w. 34 of I.P.C. and the consequential charge sheet bearing No. 161 of 2022 filed in R.C.C. No. 1153 of 2022.

2. The informant/respondent No.2 averred in the report that she married with the son of applicant Nos. 2 and 3 on 10.3.2019. She went for cohabitation at Pune, where she was treated with cruelty by demanding an amount of Rs.1,00,000/- for purchase of house. Her husband was doubting her character. She was expelled from the house. Therefore, she lodged the report.

3. Learned advocate for the applicants submitted that the informant and her husband were residing at Pune. No any role is attributed to applicant Nos. 2 and 3 who are in-laws of the informant. The applicant No.4 is sister-in-law, who is residing at Mumbai. The applicant Nos. 5 and 6 are cousin brothers-in-law. Applicant No. 7 is cousin father-in-law whereas applicant No. 8 is cousin mother-in-law of the informant. Applicant Nos. 2, 3 and 5 to 8 are residing at Hosur, Tq. Nilanga, District Latur. It is lastly prayed to quash the report and the charge sheet.

3. Learned A.P.P. and learned advocate for respondent No.2 have strongly opposed the application by contending that there is prima facie case against the applicants as they have harassed the informant on account of demand of Rs.1,00,000/- for purchase of

house at Pune. It is lastly prayed to reject the application.

4. Perused the charge sheet. The report shows that there are allegations against the husband that he demanded Rs.1,00,000/- for purchase of house at Pune. Thus, all allegations are against the husband of informant. No any specific incident of cruelty as contemplated under Section 498-A of I.P.C. is attributed to the applicants herein. In such circumstances, compelling the applicants to face the trial would be an abuse of process of the Court. Therefore, the report and the charge sheet deserve to be quashed.

5. In view of above, application is allowed in terms of prayer clause "B". No costs.

(SANJAY A. DESHMUKH, J.)

(R. G. AVACHAT, J.)

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