

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 2934 OF 2022

1. Ulhas s/o Vishnu Dolare (withdrawn)
2. Vishnu s/o Nana Dolare
3. Laxmibai w/o Vishnu Dolare
4. Balasaheb s/o Vishnu Dolare
5. Swati w/o Balasaheb Dolare ...Applicants

Versus

1. The State of Maharashtra
2. Umakant s/o Namdeorao Bharajkar ...Respondents

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Mr. Sachin S. Panale, advocate for the applicants
Mr. S.N. Morampalle, A.P.P. for respondent No.1
Mr. S.J. Salunke, advocate for respondent No.2.

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

DATED : 10th OCTOBER, 2023.

ORDER (PER SANJAY A. DESHMUKH, J.) :-

1. Heard learned advocates for the respective parties.
2. This application has been filed under Section 482 of Cr.P.C. for quashment of F.I.R. No. 34 of 2022 registered with Murud police station, District Latur for the offences punishable under Sections 498-A, 504 r.w. 34 of I.P.C and the consequential charge sheet in R.C.C. No. 876 of 2022, pending before the learned J.M.F.C. Court Latur.

3. The informant is the father of deceased Supriya, who was daughter-in-law of applicant Nos. 2 and 3. The applicant No.4 is the son of applicant Nos. 2 and 3 and applicant No.5 is wife of applicant No.4.

4. The informant/respondent No.2 averred in the report dated 21.2.2022 that his daughter-Supriya was married with the son of applicant Nos. 2 and 3 on 28.4.2015 at Ambejogai. The applicants and husband of Supriya were demanding Rs.50,00,000/- and harassing her. The informant mortgaged his property and paid an amount of Rs.50,00,000/- to them in cash in their hands for starting new Soyabean processing factory. Thereafter, the applicants and husband of Supriya started demanding car. The informant by taking loan of Rs.5,00,000/- purchased the car in the name of his wife and it was handed over to the husband of Supriya. The applicants were demanding a plot to be gifted in the name of informant for Supriya. Therefore, a plot which was in the name of informant situated at Ambejogai was gifted to Supriya, in the year 2019. Supriya was serving as lecturer. The applicants were opposing her job. Therefore, she was under psychological tension.

5. On 26.10.2021, informant received a phone call that Supriya is admitted in the hospital as she was suffering from dengue. Therefore, informant went to the Sahyadri hospital, Latur. She was shifted to the Hospital of Dr. Walsangkar, at Solapur. She died on

4.11.2021 due to dengue. The report was lodged by the informant on 21.2.2022.

6. Learned advocate for the applicants contended that the delay for lodging the report is sufficient to hold that the applicants are falsely implicated in the crime. The alleged suicide note is false and fabricated in which no role of any of the applicants is spelt out to show that they treated Supriya with cruelty. He lastly prayed to allow the application.

7. Learned A.P.P. and learned advocate for respondent No.2 strongly opposed the application by contending that there are serious allegations of demand of Rs.50,00,000/-, car and plot which was satisfied by the informant. Supriya was treated with cruelty for that amount, car and plot at Ambejogai, district Beed. It is lastly prayed to reject the application.

8. Perused the report and the charge sheet. The report itself shows that Supriya died on 4.11.2021 due to dengue at Solapur. She was admitted on 26.10.2021 by her husband at Latur when she was unconscious. Earlier to that, there was no any complaint or report against any of the applicants or against her husband for treating her with cruelty. The report is lodged after 3½ (three and half) months after the death of Supriya. The delay caused for lodging report is not explained. This itself is sufficient to infer that the

applicants are falsely implicated in the crime. The chit allegedly written by Supriya only shows that it was an emotional imbalance in her mind about her husband and that does not constitute cruelty as contemplated under Section 498-A of I.P.C. When it was written is not clarified. Thus, prima facie, there is no material to constitute the essential ingredients of Section 498-A and other sections of the I.P.C. which are invoked against the applicants. The arguments of learned advocate for respondent No.2 are therefore, not acceptable. In such circumstances, compelling the applicants to face trial would be an abuse of process of the Court.

9. In view of the above, the F.I.R. and the charge sheet deserve to be quashed and set aside. The application is accordingly allowed in terms of prayer clauses "B" and "C". No costs.

(SANJAY A. DESHMUKH, J.)

(R. G. AVACHAT, J.)

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