

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

998 CRIMINAL APPLICATION NO.2552 OF 2022

- 1) Ganesh S/o Manoharrao Landage.
- 2) Priya W/o Ganesh Landage.

... Applicants

Versus

- 1) The State of Maharashtra
- 2) Smt. Sujata W/o. Shubham Hingmire.

... Respondents

...
Mr. Panditrao S. Anerao, Advocate for Applicants.

Mr. P. N. Kutti, APP for Respondent/State:

Mrs. S. G. Chincholkar, Advocate for Respondent No.2.

...

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

DATE : 17th October, 2023.

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

1 Heard the learned advocates for the respective parties.

2 This is an application, under Section 482 of the Code of Criminal Procedure, 1973, for quashment of the FIR and consequential charge-sheet in R.C.C. No.95 of 2022, pending in the Court of learned Judicial Magistrate First Class, Ardhapur, District Nanded, for the offences punishable under Sections 498-A, 323, 504 and 506 read with 34 of the Indian Penal Code, 1860.

3 The informant averred in the FIR that she married with co-accused (Shubham Hingmire) on 24th May, 2020. She was treated with the cruelty by the applicants and other accused by demanding Rs.2,00,000/- for purchasing a tractor and also because she could not beget a child. Thereafter, she was left at the house of her parents. From 15th December, 2021, she is residing with her parents. Thereafter, she lodged FIR on 25th July, 2022.

4 The learned counsel for the applicants pointed out that omnibus allegations are made against the applicants. No any specific role is attributed to them. He lastly prayed to allow the application.

5 The learned APP for the State and the learned counsel for the informant have strongly objected the application by contending that names of the applicants are mentioned in the FIR. They are relatives of the husband of the informant. Applicant No.2 was residing with her parents for education. It is lastly prayed that, considering serious allegations of demand of Rs.2,00,000/- and other allegations, the application may be rejected.

6 Perused the charge-sheet. The FIR shows the names of the applicants alongwith other co-accused. However, the role of the applicants is not specifically spelled out in the FIR as to how they treated the informant with cruelty. The general allegations are made in

the FIR regarding demand of Rs.2,00,000/-. There is delay for lodging the FIR. Considering all these facts situation, it would not be proper and legal to compel the applicants to face the trial. It would be certainly abuse of process of the Court. The application, therefore, deserves to be allowed. Hence, the application is allowed in terms of prayer clauses (B) and (B-1). No costs.

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[SANJAY A. DESHMUKH, J.]

[R. G. AVACHAT, J.]