

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO.2747 OF 2022

1. Amol s/o Shamrao Dongare
Age: 30, Occu.: Private Service,
R/o. Shivajinagar, Vidya Colony, Jamkhed,
Taluka Jamkhed, District Ahmednagar.
2. Sunandabai w/o Shamrao Dongare
Age: 52 years, Occu.: Housewife,
R/o. As above
3. Shamrao s/o Pandharinath Dongare
Age: 55 years, Occu.: Service,
R/o. As above

(Application to the extent of applicant
Nos.1 to 3 is disposed of as withdrawn
by order dated 30-08-2022).
4. Navnath s/o Shamrao Dongare
Age: 33 years, Occu.: Private service,
R/o. Flat No.. B-504, Gandharv Serenity,
Bhosle Garden Road, Hadapsar, Pune.
5. Priyanka Navnath Dongare
Age: 27 years, Occu.: Housewife,
R/o. As above
6. Anita Ganesh Sanap
Age: 32 years, Occu.: Housewife,
R/o. Ganesh Electronics Main Road,
Shirur Kasar, Ta. Shirur Kasar, Dist. Beed.
7. Ajinath s/o Dinkar Shirsath
Age: 40 years, Occu.: agril.,
R/o. Bhutwada Post Moha, Ta. Jamkhed,
Dist. Ahmednagar.

8. Sangita w/o Shivaji Nagargoje
Age: 50 years, Occu.: Housewife,
R/o. Bhutwada Post Moha, Ta. Jamkhed,
Dist. Ahmednagar.
9. Nanda w/o Bhaskar Nagargoje
Age: 53 years, Occu.: Housewife,
R/o. As above
10. Vijay s/o Bhaskar Nagargoje
Age: 25 years, Occu.: Agril.
R/o. As above

..Applicants

Versus

1. The State of Maharashtra
Through Police Inspector,
Ashti, Tq. Ashti, Dist. Beed.
2. Kiran w/o Amol Dongare
Age: 25 years, Occu.: Housewife,
R/o. Shekapur, Ta. Ashti, Dist. Beed.

..Respondents

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Ms. Sushma T. Jadhav h/f. Mr. Prashant D. Suryawanshi, Advocate
for Applicants

Mrs. M. A. Deshpande , APP for Respondent No.1.

Mr. T. M. Tandale , Advocate for Respondent No.2.

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**CORAM : MANGESH S. PATIL AND
ABHAY S. WAGHWASE, JJ.**

DATED : 27 MARCH 2023

ORDER (ABHAY S. WAGHWASE, J.) :

1. Husband and in-laws of respondent no.2 (original complainant)
have approached this Court with prayers for quashing crime no.194 of

2022 registered with Ashti Police Station, District Beed for the offences punishable under Sections 498-A, 323, 504, 506 r/w 34 of the Indian Penal Code (IPC) and the consequential criminal proceedings bearing RCC No. 159 of 2022.

2. Respondent no.2 set law in motion on 20.06.2022 alleging that, she was married to applicant no.1 on 30.01.2020 and she cohabited with him and her in-laws named in the complaint. According to her, barely after 7 to 8 months of marriage, her husband, on the instigation of her in-laws, subjected her to ill-treatment and put up a demand of Rs.10,00,000/- for purchase of vehicle. According to her, on 20.02.2022, for no reason she was driven out of the house by her husband and in-laws and therefore, she was constrained to go back to her parents' house. She had also approached women's grievance redressal cell. Further, according to her, on 19.06.2022, her husband and in-laws named in the FIR came to her parents' house and started abusing her for filing complaint with women's grievance redressal cell. She has alleged that the accused persons indulged in slapping her and her parents were also given beating and they issued threats and therefore, above report was lodged.

It is the above complaint and the consequential criminal case which is now sought to be quashed by invoking Section 482 of the Criminal Procedure Code (Cr.P.C.).

3. In catena of judgments, the Hon'ble Apex Court has time and again reiterated that inherent powers under section 482 of Cr.P.C. can be exercised by the High Court; *firstly*, to give effect to an order under Cr.P.C., *secondly*, to prevent abuse of process of court and *thirdly*, to secure ends of justice. Law with regard to above section is dealt in series of landmark judgments viz. ***Inder Mohan Goswami and Anr. Vs. State of Uttaranchal and Ors.***, reported in ***(2007) 12 SCC 1 and Mahendra K.C. Vs. State of Karnataka and Another***; reported in ***(2022) 2 Supreme Court Cases 129***.

4. We have heard learned counsel for the applicants, learned APP for the State and even learned counsel representing respondent no.2 at length.

5. It needs to be noted that at the admission stage, when this court was not inclined to consider the relief as against applicant nos. 1, 2 and 3, on instructions, learned counsel for the applicants had already withdrawn the proceedings and prayers as against them.

Therefore, now it is only to be seen as to whether applicant nos. 4 to 10 are liable to face prosecution.

6. As pointed out by learned counsel for the applicants, it is seen that only applicant nos. 1, 2 and 3 i.e. husband and parents-in-law seem to be residents of Shivaji Nagar, Vidya Colony, Jamkhed, whereas, rest of the accused i.e. applicant nos. 4 to 10, who appear to be brother-in-law, his wife, sister-in-law, husband's uncle, husband's aunts and brother-in-law, are residents of Pune, Beed, Bhutwada, post Moha taluka Jamkhed, respectively. Therefore, it is apparent that applicant nos. 4 to 10 are not residing with applicant nos. 1, 2 and 3.

7. We have already discussed the sum and substance of the complaint. It is worth mentioning that according to the complainant herself, she was driven out of the house by applicants on 20.02.2022. However, she has alleged that all the applicants arrived to her parents' house on 19.06.2022 and started hurling abuses for lodging complaint with women's grievance redressal cell. She has attributed allegation of slapping her, to applicant no.2 Sunanda, applicant no.6 Anita, applicant no.9 Nanda, applicant no.5 Priyanka and applicant no.8 Sangita. She has alleged beating to her father by applicant no.3 Shamrao, applicant no.1 husband, applicant no.4 Navnath (brother-

in-law), applicant no.10 Vijay (brother-in-law) and applicant no.7 Ajinath.

8. From the complaint itself, thus it is evident that complainant respondent no.2 is in her parents' house since 20.02.2022. However, the episode of her in-laws visiting her parents' house and indulging in beating is alleged to have taken place on 19.06.2022. This incidence seems to be a fall out of one complaint lodged with women's grievance redressal cell. It is not pertaining to any demand and subjecting her to maltreatment.

9. In the light of such material, implication of applicant nos. 4 to 10 is without any serious allegations about either ill-treatment or demand. Consequently such applicants 4 to 10 deserve protection as with such quality of material, it would be hazardous to allow them to face prosecution. In our opinion this is clear attempt to involve all near and dear ones. Therefore, there is no hesitation to grant relief to such applicant nos. 4 to 10. Resultantly, the application succeeds only to the extent of applicant nos. 4 to 10. Hence, following order:

ORDER

I. The application is partly allowed.

II. Crime no.194 of 2022 registered with Ashti Police Station, District Beed for the offences punishable under Sections 498-A, 323, 504, 506 r/w 34 of the Indian Penal Code (IPC) and the consequent proceedings bearing RCC No. 159 of 2022 are quashed and set aside to the extent of applicant nos. 4 to 10.

[ABHAY S. WAGHWASE, J.]

[MANGESH S. PATIL, J.]

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