

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

975 **CRIMINAL APPLICATION NO. 2777 OF 2022**

1. Sandeep S/o. Namdeo Chikane (**Dismissed**)
2. Kusum Namdeo Chikane
3. Savita Shailesh Bade
4. Namdeo Dalaji Chikane .. Applicants

Versus

The State of Maharashtra and another .. Respondents

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Advocate for Applicants : Mr. Sawant Amol S.

APP for the respondent – State : Mr. S.D. Ghayal

Advocate for the respondent no. 2 : Mr. P.G. Tambde h/f. Mr. S.S. Jadhavar

Application dismissed in respect of applicant no.1 vide Court's
order dated 13-10-2022

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

DATE : 28 MARCH 2023

ORAL ORDER (MANGESH S. PATIL, J.) :

Heard.

2. The applicants are seeking quashment of the crime no. 0220 of 2021 registered with Parner Police Station, Tal. Parner, District – Ahmednagar for the offences punishable under section 498A, 406, 323, 504, 506 r/w. 34 of the Indian Penal Code and the subsequent criminal case bearing R.C.C. no. 687 of 2021 pending on

the file of the learned Judicial Magistrate First Class, Parner, District – Ahmednagar.

3. The FIR was lodged by the respondent no. 2 who happens to be the wife of the applicant no. 1 and daughter in law of applicant no. 2 and 4 and the applicant no. 3 is the married sister of the applicant no. 1.

4. After hearing both the sides when we express our disinclination to grant any relief to applicants no. 2 and 4, their learned advocate, on instructions, seeks leave to withdraw the application to their extent.

5. Application as regards applicants no. 2 and 4 stands dismissed as withdrawn.

6. It is necessary to note that in respect of applicant no.1, the application was already dismissed having been withdrawn by the order dated 13 October 2022.

7. So far as the role, if any, attributable to the applicant no. 3 is concerned, admittedly, she is the married sister residing elsewhere and not at the matrimonial house. Though at several places, some reference can be found to her, the reference is only in respect of the insistence of the husband to the respondent no. 2 to apologize the applicant no. 3. There is no specific allegation about the applicant

no. 3 having ever played any active role or instigated the other accused in subjecting the respondent no. 2 to any cruelty. Since we are not concerned with the role attributable to the rest of the applicants, we need not go into the other details narrated by the respondent no. 2 regarding the crime as is substantiated by the witnesses.

8. Apart from the FIR, even in the statements of the witnesses, no specific role is attributable to the applicant no. 3 *albeit* it has been persistently stated that on account of her the respondent no. 2 was subjected to ill-treatment, without disclosing as to in what manner the applicant no. 3 had played any role at least of instigating the other accused to subject the respondent no. 2 to cruelty.

9. Considering the dearth of allegations much less to make out all the necessary ingredients for constituting the offences mentioned herein-above, it would be sheer abuse of the process of law if even the married sister in law - applicant no. 3 is made to face the prosecution with the quality of evidence collected by the Investigating Officer.

10. The application to the extent of applicant no. 3 is allowed.

11. Crime no. 0220 of 2021 registered with Parner Police Station, Tal. Parner, District – Ahmednagar for the offences punishable under section 498A, 406, 323, 504, 506 r/w. 34 of the Indian Penal

Code and the subsequent criminal case bearing R.C.C. no. 687 of 2021 pending on the file of the learned Judicial Magistrate First Class, Parner, District – Ahmednagar is quashed to her extent.

[ABHAY S. WAGHWASE]
JUDGE

[MANGESH S. PATIL]
JUDGE

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