



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

93 CRIMINAL APPLICATION NO. 2811 OF 2022

1. Nilesh Namdeo Ubhale
 2. Kokilabai Namdeo Ubhale
 3. Satish Namdeo Ubhale
 4. Pooja Namdeo Ubhale
- ...Applicants

versus

1. The State of Maharashtra
 2. Shubhangi Nilesh Ubhale
@ Shubhangi d/o Pradeep Kshirsagar
- ...Respondents

Advocate for Applicant : Mr. Gaikwad Anil M.
APP for Respondents: Mr. V.K Kotecha
Advocate for Respondents : Mr. V.B., Patil

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**CORAM : R. G. AVACHAT AND
SANJAY A. DESHMUKH, JJ.
DATED : 18th DECEMBER, 2023.**

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

This application has been filed under section 482 of Cr.P.C. for quashment of F.I.R. No. 52 of 2022 registered with Pimpalgaon Hareshwar police Station, Tq. Pachora, district Jalgaon for the offences punishable under Sections 498-A, 323, 504, 506 r.w. 34 of I.P.C. and the consequential charge sheet No. 46 of 2022 filed in the Court of learned J.M.F.C. Pachora.

2. The informant-respondent No.2 lodged report contending that she married with applicant No.1 on 1.6.2020. Initially for a period

of one month, she was treated well. On 15.7.2020 at about 11.00 a.m. applicant No.2 mother-in-law of respondent No.2 demanded golden chain for husband of respondent No.2. Respondent No.2, told her that applicant No.1-husband is not properly behaving with her. Thereafter, all accused persons started to ill-treat her. Her husband slapped her. He was saying her that he did not like her. He want to perform second marriage. When she was pregnant, applicants abused and beaten her. She was expelled from house and sent her parents' house. Health of respondent No.2 was deteriorating and she was under mental stress. She fell down and therefore, medical termination of her pregnancy was done in the hospital of Dr. Sanverkar at Pachora. Thereafter, applicant Nos.1 and 3 abused her and they threatened her that they have to face the consequences of court cases for 15 years. Therefore, respondent No.2 lodged the complaint to the Women Dakshata Samiti, Jalgaon. Since the applicants did not turn there, respondent No.2 lodged the report.

3. Learned advocate for the applicants submitted that false report is lodged. He submitted that respondent No.2 had cohabited with applicant No.1 only for three months. Without any consent of her husband, respondent No.2 got terminated her pregnancy and therefore, her husband lodged a report against her. He pointed out the report lodged by applicant No.1 against her. Another report is also lodged by applicant No.1 against respondent No.2 and her relatives for the offences punishable under sections 326 etc. of I.P.C.

Learned advocate for the applicants lastly submitted that false report is lodged and therefore, prayed for quashing of the report and the charge sheet.

4. Learned A.P.P. has strongly opposed the application. Learned advocate for respondent No.2 submitted that false report was lodged by applicant No.1 against respondent No.2 and her relatives. He pointed out that specific incident of demand of golden chain with date and time is mentioned in the report. Applicant Nos. 1 and 2 have treated respondent No.2 with cruelty. He prayed to reject the application.

5. Perused the report and the charge sheet. The incident dated 15.7.2020 regarding demand of golden chain and treating respondent No.2 with cruelty is specifically mentioned in the report. Applicant Nos. 1 and 2, husband and mother-in-law of respondent No.2, have treated respondent No.2 with cruelty. As far as the applicant Nos. 3 and 4 are concerned, their role is not specified in the report. The essential ingredients of Section 498-A of I.P.C. are not established against applicant Nos. 3 and 4. Considering the facts and circumstances of the case, if applicant Nos. 3 and 4 are compelled to face trial, it would be certainly abuse of process of the court. The application therefore, deserves to be allowed in respect of applicant Nos. 3 and 4. Thus, this application is partly allowed to the extent of applicant Nos. 3 and 4 in terms of prayer clause B and B-1.

6. The application to the extent of applicant Nos.1 and 2 is dismissed.

7. Considering the age of applicant No.2, mother-in-law of respondent No.2, she is exempted from appearing before the trial court except the dates of framing of charge and recording of statement under Section 313 of Cr.P.C.

8. The application is accordingly disposed of.

(SANJAY A. DESHMUKH, J.)

(R. G. AVACHAT, J.)

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