

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 2831 OF 2023

1. Dnyaneshwar s/o Gulab Giri
2. Lalita w/o Kiran Giri (withdrawn) ...Applicants

versus

1. The State of Maharashtra
2. Tejaswini w/o Sunil Giri ...Respondents

...

Advocate for Applicants : Mr. M.P. Bhaskar

APP for Respondent No.1: Mr. S.N. Morampalle

Advocate for Respondent No.2: Mr. N.S. Shah and Mr. V.H. Jadhav

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**CORAM : R. G. AVACHAT AND
SANJAY A. DESHMUKH, JJ.
DATED : 11th SEPTEMBER, 2023.**

PER COURT:-

Heard the learned advocates for the respective parties.

2. This application is filed under Section 482 of Cr.P.C for quashing of F.I.R. No. 374 of 2022 registered with Mukundwadi police station, Aurangabad for the offences punishable under Sections 498-A, 354, 324, 323, 504, 506 r.w. 34 of I.P.C and the consequential charge sheet No. 60 of 2023 and R.C.C. No. 789 of 2023 pending before the learned J.M.F.C. Aurangabad to the extent of applicant No.1, as the application of applicant No.2 is already withdrawn.

3. The informant lodged an F.I.R. contending that she was assaulted on 28.10.2022 by her husband, father-in-law, mother-in-law, sister-in-law, brother-in-law, all were treating her with cruelty. Once, she went to fetch her son Arush, at that time her father-in-law Gulab picked up a wooden log and assaulted on her head and on the person of her mother. Her mother-in-law plucked her mother's hairs. Thereafter, her father-in-law took bite to her middle finger by sitting on her stomach. Meanwhile, the vehicle of the police came there and they rescued the informant. All these persons were demanding money for purchase of cupboard, cot, freeze, T.V. and also for repayment of loan amount.

4. The learned advocate for the applicant submitted that the applicant Dnyaneshwar is brother-in-law of the informant. No role is attributed to him. He is no way concerned with the crime in question and he is falsely implicated in the crime. The learned advocate lastly prayed for allowing this application.

5. The learned A.P.P. for the State and the learned advocate for respondent No.2 has strongly opposed the application by contending that the name of the applicant is specifically mentioned in the report. Prima facie, there is strong case against the applicant. They therefore, prayed for rejection of the application.

6. Perused the charge sheet. It appears that though there is

name of the applicant in the report, it is nowhere mentioned as to how he treated the informant with cruelty. Considering these facts situation, compelling the applicant to face the trial would be an abuse of process of the Court. Hence, the application deserves to be allowed.

7. In view of the above, the criminal application is allowed in terms of prayer clause "B" to the extent of applicant No.1. No costs.

(SANJAY A. DESHMUKH, J.)

(R. G. AVACHAT, J.)

rlj/