

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

973 CRIMINAL APPLICATION NO.2331 OF 2021

- 1) Irvant s/o Gundappa Andhale,
- 2) Meerabai Rajeshwar Salgare,
- 3) Shivshankar s/o Rajeshwar Salgare
- 4) Ravishankar s/o Rajeshwar Salgare
Nos. 2 to 4 R/o. Chapoli Tq. Chakur
Dist. Latur
- 5) Megha @ Rani w/o Sanjay Sarafe,
R/o. Prakatti Galli, Udgir, Tq.
Udgir, Dist. Latur.
- 6) Girija Madhav Pune,
R/o. Hadoli Tq. Chakur, Dist.
Latur
- 7) Madhav s/o Irappa Pune,
R/o. Hadoli Tq. Chakur, Dist.
Latur.

... Applicants

VERSUS

- 1) The State of Mahatrashta
- 2) Prayag w/o Irvant Andhale
R/o. Mahalangi, Tq. Chakur,
Dist. Latur.

... Respondents.

...

Advocate for Applicants : Mr. Patel Fayaz K.
APP for Respondent No. 1 : Mr. S. J. Salgare
Advocate for Respondent No. 2 : Mr. S.T. Chalikwar

CORAM : **MANGESH S. PATIL &
M. M. SATHAYE, JJ.**

DATE : **08.03.2023**

PER COURT :

Heard both the sides.

2. The application to the extent of applicant No. 1 has already been

disposed of by order dated 21.10.2021.

3. Heard both the sides.

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

5. The applicants No. 5 to 7 are being roped in, in an offence registered at her instance even when there are not even allegations about they being related to the applicant No. 1 who is the husband of the respondent No.2. Even the charge-sheet does not attempt to segregate the offences qua the applicants No. 5 to 7 and all the applicants have been roped in under the same provisions of the Indian Penal Code including Section 498A. For this reason alone, the request of the applicant Nos. 5 to 7 for quashment of the crime and the charge-sheet deserves to be accepted.

6. Besides, accepting the allegations in the F.I.R. and the statements of the witnesses at their face value, the role attributed to the applicant Nos. 5 to 7 is to the effect that though the applicant Nos. 5 who happens to be the cousin of respondent No. 2, the applicant No. 1-husband is cohabiting with her and the applicant Nos. 6 and 7 are her parents. No role is attributed to them as far as the allegations regarding subjecting the respondent No. 2 to cruelty within the meaning of Section 498A of the Indian Penal Code. For that matter even in respect of other offences like Section 324, 504, 506 of the Indian Penal Code, the role is attributed only to the applicant Nos. 1 to 4. There are no allegations about the applicant Nos. 5 to 7 having taken part in either assaulting the respondent No. 2 or her relatives.

7. We allow the application and quash and set aside the Crime and the consequent charge-sheet filed against the applicant Nos. 5 to 7 bearing RCC No. 318/2021 pending in the Court of the learned Judicial Magistrate First Class, Chakur Dist. Latur in respect of Crime No. 388/2021, registered with

Chakur Police Station, Tq. Chakur Dist. Latur for the offences punishable under Sections 498A, 323, 504, 506 read with Section 34 of the Indian Penal Code.

8. The Application to the extent of applicants No. 2 to 4 is dismissed as withdrawn.

(M. M. SATHAYE, J.)

(MANGESH S. PATIL, J.)

mkd/-