



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

96 CRIMINAL APPLICATION NO. 3157 OF 2022

1. Rajendra Bhausahab Aher (withdrawn)
2. Leelawati Bhausahab Aher (withdrawn)
3. Bhausahab Karbhari Aher (withdrawn)
4. Sandeep Bhausahab Aher
5. Deepali Sandeep Aher
6. Latabai Bhausahab Thube
7. Mandabai Walu Kad
8. Kiran Bhausahab Thube (withdrawn) ...Applicants

Versus

1. The State of Maharashtra
2. Prerna Rajendra Aher ...Respondents

...
Advocate for Applicant : Mr. A.S. Bayas
APP for Respondent No.1: Ms. R.R. Tandale
Advocate for Respondent No.2 : Mrs. V.A. Shinde
.....

**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. 194 of 2018 registered with Nawa Mondha police Station, Parbhani, District Parbhani for the offences punishable under Sections 498-A, 323, 504, 506 r.w. 34 of I.P.C. and the consequential charge sheet No.7 of 2019 filed in the Court of learned J.M.F.C. Parbhani as well as further proceeding of R.C.C. No. 39 of 2019 pending before learned J.M.F.C. Parbhani.

2. The informant has averred in the report that she married on

21.11.2016. An amount of Rs.19,00,000/- settled as dowry. Out of which a cheque of Rs.9,00,000/- towards dowry was given in the name of father-in-law of respondent No.2-informant. Later on some amount was paid to the in-laws of the informant. The applicants and her husband as well as mother-in-law started to ill-treat her with cruelty. On 24.9.2017, the applicants and other relatives had demanded the remaining amount of dowry for starting the hospital.

3. Learned advocate for the applicants submitted that names of the applicant Nos. 4 to 7 are not mentioned in the report. Their role is not spelt out from the report and other documents. He lastly prayed to allow the application by quashing the report as well as the charge sheet and further proceedings.

4. Learned A.P.P. for the State has strongly opposed the application. Learned advocate for respondent No.2 fairly concedes that the names of applicant Nos. 4 to 7 are not mentioned in the report and their role is not specified therein.

5. Perused the report, charge sheet and considered the admitted fact that no any specific incident to spell out the role of the applicants is traced out in the report or the charge sheet. Thus, in absence of material against the applicants, it would be abuse of process of the Court if they are compelled to face the trial.

6. In view of above, the application is allowed in terms of prayer clause "A" to the extent of applicant Nos. 4 to 7.

7. The application is accordingly disposed of.

(SANJAY A. DESHMUKH, J.)

(R. G. AVACHAT, J.)

rlj/