

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO.2473 OF 2020

Govind Umakant Jamkar & ors. ... **APPLICANTS**

VERSUS

The State of Maharashtra & anr. ... **RESPONDENTS**

.....

Mr. Menezes Joslyn A., Advocate for applicants

Mr. M.M. Nerlikar, A.P.P. for respondent No.1.

Mrs. Yogita S. Thorat, Advocate for respondent No.2.

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**CORAM : SMT. ANUJA PRABHUDESSAI AND
R.M. JOSHI, JJ.**

DATE : 22nd FEBRUARY, 2023

P.C. :

At the outset, learned counsel for the applicants seeks leave to withdraw the application on behalf of applicants No.1 to 3 with liberty to file discharge application. Leave granted. The application stands dismissed as withdrawn as against applicants No.1 to 3.

2. Learned counsel for the applicants also seeks leave to amend prayer clause (B) as to incorporate Charge Sheet and R.C.C. Number. Leave granted. Amendment to be carried out forthwith.

3. With the consent of learned counsel for the parties, taken up for final hearing at admission stage.

4. This is an application under Section 482 of the Code of Criminal Procedure to quash First Information Report bearing Crime No.186/2020, registered with Tadkalas Police Station, District Parbhani and the consequential Charge Sheet bearing No.51/2021 and R.C.C. No.135/2022, pending on the file of learned Judicial Magistrate, First Class, Parbhani for the offences punishable under Sections 306, 498-A, 506 read with Section 34 of the Indian Penal Code.

5. Learned counsel for the applicants submits that the First Information Report and the other material which forms part of the charge sheet do not disclose any cognizable offence against the applicants and continuation of proceedings will be an abuse of the process of law.

6. Per contra, learned counsel for the respondent No.2 vehemently opposed to allow the application submitting that the First Information Report prima facie shows the essential ingredients of the offence.

7. It is pertinent to note that the aforesaid crime was registered pursuant to the First Information Report lodged by respondent No.2, the father of the deceased. The First Information Report reveals that the marriage between the daughter of the respondent No.2 and applicant No.1 was solemnized on 2/4/2018. The daughter of respondent No.2 committed suicide on 12/12/2019 by consuming poison and died on 13/12/2019 i.e. one year and 8 months from the date of the marriage. The respondent No.2 lodged the First Information Report alleging that the applicants herein had subjected his daughter to cruelty. The allegations in the First Information Report are essentially against the husband and the parents-in-law of the deceased. The applicants No.4 and 5 are the sisters and the applicant No.6 is the brother of the applicant No.1. It is stated that, the applicant No.4 is married and residing at a different place. The applicants No.5 and 6 are students.

8. Having gone through the First Information Report as well as the other material collected in the course of investigation and which forms part of the charge sheet, in our considered view, no cognizable offence is disclosed as against the applicants No.4, 5 and 6. Under the circumstances,

compelling these applicants No.4, 5 and 6 to face the prosecution would be sheer abuse of process of law.

9. In the result, the application is allowed qua the applicants No.4, 5 and 6. The First Information Report bearing Crime No.186/2020, registered with Tadkalas Police Station, District Parbhani and the consequential Charge Sheet bearing No.51/2021 and R.C.C. No.135/2022, pending on the file of learned Judicial Magistrate, First Class, Parbhani for the offences punishable under Sections 306, 498-A, 506 read with Section 34 of the Indian Penal Code are quashed qua applicants No.4, 5 and 6.

(R. M. JOSHI, J.)

(SMT. ANUJA PRABHUDESSAI, J.)

fmp/-