

**IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD**

CRIMINAL APPLICATION NO.2474 OF 2021

Rajkumar @ Khanduji s/o
Prakash Kamble & ors.

... **APPLICANTS**

VERSUS

The State of Maharashtra & anr.

... **RESPONDENTS**

.....
Mr. M.P. Gandle, Advocate for applicants
Mr. S.D. Ghayal, A.P.P. for respondent No.1.
Mr. G.J. karne, Advocate for respondent No.2.
.....

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

DATE : 1st FEBRUARY, 2023

P.C. :

With the consent of learned counsel for rival parties,
heard finally at the stage of admission.

2. This is an application under Section 482 of the Code of Criminal Procedure to quash First Information Report No.251/2021, registered at Kinwat Police Station, District Nanded and the consequential criminal proceedings being R.C.C. No.8/2022, pending on the file of learned Judicial Magistrate, First Class, Kinwat, District Nanded for the offences punishable under Sections 498-A, 323, 504 read with Section 34 of the Indian Penal Code.

3. Initially the application was filed by the husband, mother-in-law, sisters-in-law and one Shweta Patil against whom the respondent No.2 had made allegations of cruelty. The application as against the applicant No.1 husband was allowed to be withdrawn vide order dated 24/11/2021 whereas the application as against applicant No.7 was disposed of vide order dated 9/11/2022 in view of the statement made by learned A.P.P. that no charge sheet has been filed against her.

4. Learned counsel for applicants No.2 to 6 submits that, the First Information Report and the other material on record, which form part of the charge sheet, do not disclose any offence as against these applicants. He, therefore, submits that this is a fit case to exercise powers under Section 482 of the Code of Criminal Procedure to prevent the abuse of process of Court.

5. Per contra, learned A.P.P. and learned counsel for respondent No.2 state that, the applicants used to taunt the respondent No.2 for the reason that she had only daughters. They used to subject her to physical as well as mental cruelty. She has further stated that, her husband used to doubt her character and that he had married the applicant No.7 without

her consent, in view of which she had returned to her parental home. She has stated that, all the applicants had demanded Rs.5,00,000/- from her and had subjected her to cruelty. On the basis of the allegations made in the First Information Report, the aforestated crime has been registered against the applicants.

6. The First Information Report and the other records which form part of the charge sheet, prima facie reveal that the accusations of physical cruelty are essentially against the applicant No.1, who has already withdrawn the application.

7. The applicant No.2 is the mother-in-law and applicants No.3 to 6 are the sisters-in-law of the respondent No.2. Apart from the omnibus allegations that all these applicants had subjected her to physical and mental cruelty, there is absolutely no material on record to bring home the essential ingredients of offence punishable under Section 498-A of the Indian Penal Code. In such circumstances, compelling the applicants No.2 to 6 to face the criminal trial would be abuse of process of law. Hence, the application is allowed in terms of prayer clauses (B) and (B-1). Consequently, First Information Report No.251/2021, registered at Kinwat Police

Station, District Nanded and the consequential criminal proceedings being R.C.C. No.8/2022, pending on the file of learned Judicial Magistrate, First Class, Kinwat, District Nanded for the offences punishable under Sections 498-A, 323, 504 read with Section 34 of the Indian Penal Code are quashed qua the applicants No.2 to 6.

(R. M. JOSHI, J.)

(SMT. ANUJA PRABHUDESSAI, J.)

fmp/-