

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 2685 OF 2021

1. Ravindra S/o Madhukar Mali
Age : 47 years, Occ : Doctor,
R/o Plot No.2, Machindra Nagar,
Varangaon, Tq. Bhusaval,
Dist. Jalgaon.
2. Madhukar S/o Budho Mali
Age : 76 years, Occ : Retired,
R/o Sadhana Nagar, Varangaon,
Tq. Bhusaval, Dist. Jalgaon.
3. Malti W/o Madhukar Mali
Age : 73 years, Occ : Housewife,
R/o Sadhana Nagar, Varangaon,
Tq. Bhusaval, Dist. Jalgaon.
4. Sanjiv S/o Madhukar Mahajan
Age : 76 years, Occ : Service,
R/o Hanuman Nagar, Varangaon,
Tq. Bhusaval, Dist. Jalgaon.
5. Mangala @ Priti W/o Sanjiv Mahajan
Age : 44 years, Occ : Housewife,
R/o Hanuman Nagar, Varangaon,
Tq. Bhusaval, Dist. Jalgaon.
6. Asha W/o Varun Mali
Age : 54 years, Occ : Housewife,
R/o Near Old Vitthal Rukmini Temple,
Varangaon, Tq. Bhusaval,
Dist. Jalgaon.
7. Vijaya W/o Sanjay Mali
Age : 49 years, Occ : Housewife,
R/o Badewada, Varangaon,
Tq. Bhusaval, Dist Jalgaon
Presently R/at. Panvel,
Navi Mumbai.

..APPLICANTS

-VERSUS-

1. The State of Maharashtra
Through Police Station Office

Police Station, Varangaon,
Dist. Jalgaon.

2. Kamini W/o Ravindra Mali
Age : 34 years, Occ : Household,
R/o Plot No.29/A, Shriram Samarth Colony,
Near Manav Seva School,
Khotenagar Bus Stop,
Jalgaon, Tq. & Dist. Jalgaon.

..RESPONDENTS

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Advocate for Applicants : Mr.G.G. Kadam
APP for the Respondent/State : Mr.R.V. Dasalkar
Advocate for respondent no.2 : Mr.S. R. Chaudhari

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**CORAM : R.G. AVACHAT AND
SANJAY A. DESHMUKH, JJ.**

DATED : 11th JULY, 2023.

ORDER (PER Sanjay A. Deshmukh, J.) :-

1. This is an application filed under section 482 of the Criminal Procedure Code, 1973 (for short, "Cr.P.C.") for quashing of FIR bearing C.R. No.0175 of 2020 registered with Varangaon Police Station, Tq. Bhusaval, Dist. Jalgaon under sections 498-A, 323, 504, 506 of the Indian Penal Code and charge-sheet in R.C.C. No.154 of 2020 pending before Judicial Magistrate, First Class, 4th Court, Bhusaval, Dist. Jalgaon.

2. It is alleged in the FIR that the informant was married to Ravindra on 3rd May, 2009. Since last five months, she is staying with her parents at Jalgaon. It is averred in the report that the applicants used to illtreat the informant on trivial grounds. They used to abuse

her. They used to doubt her character. During her pregnancy, husband of the informant gave her one Ayurvedic Kada in the year 2010. Because of that she suffered and her foetus become defective. Therefore, her pregnancy was terminated. She thereafter gave birth to son on 28.11.2011. Her son Bhargav is suffering from illness of kidney, but husband of the informant and applicants did not give medical treatment to him. It is further averred that since last three years, the informant along with her husband and son Bhargav are residing at Machindranagar, Varangaon. The applicant no.1 and 2 are residing at Sadhananagar, Varangaon at their own house. They are treating her with cruelty by abusing her continuously. They have threatened her that they will ask her husband to give divorce. Since last five months, she has been sent to her parental house. Therefore, she lodged the report on 13.10.2020.

3. The learned counsel for the applicants submitted that the alleged incident of forcing to consume Ayurvedic Kada took place in the year 2010, however the report was not lodged. There are general allegations of illtreatment. No specific role is attributed to any of the applicants. Report is lodged after five months after the informant went to reside with her parents. He submitted that the false report is lodged, therefore, it is necessary to quash the report and charge-sheet.

4. The learned APP and the learned counsel for the informant argued that detail report is lodged and names of the applicants are mentioned in it. Therefore, there is no substance in the grounds raised in this application. There is prima facie evidence against the applicants. Therefore, they prayed to reject the application.

5. Perused the charge-sheet particularly report. There is delay of five months for lodging the report, which is not explained. As far as incident of 2010 is concerned, these allegations are made against the husband of the informant and his application is withdrawn. The allegations in the FIR are general in nature and does not establish ingredients of section 498-A of the IPC. It will be unjustifiable to face the trial in such facts situation. It would be an abuse of process of the Court. Therefore, the FIR and the charge-sheet deserve to be quashed in the interest of justice.

6. For the reasons discussed above, the argument of the learned APP and learned counsel for respondent no.2 is not acceptable in this regard.

7. The application is allowed in terms of prayer clause "B".
No costs.

(SANJAY A. DESHMUKH, J.)

(R.G. AVACHAT, J.)