

THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

CRIMINAL APPLICATION NO. 2736 OF 2021

Gokul S/o. Vishnu Garje, (Husband)
Age: 31 years, Occu. Service,
R/o. Ground Floor, Chandraprayag Building,
Sai Park, D.Y. Patil Road, Lohgaon,
Pune-411 047.

... Applicant

Versus

- 1) The State of Maharashtra,
Through its Secretary,
Home Department,
Mantralaya, Mumbai.
- 2) Police Inspector,
Police Station, Patoda,
Tq. Patoda, District Beed.
- 3) Sheetal W/o. Gokul Garje @
Sheetal D/o. Vaijinath Jaibhaye,
Age: 31 years, Occu. Service,
R/o. Flat No.305, 'B'-Wing,
Vijay Vihar Building, Chiplun,
Tq. Chiplun District – Ratnagiri.
Pin: 415 605.

... Respondents

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Mr. Ankush N. Nagargoje, Advocate for Applicant.
Mr. R. V. Dasalkar, APP for Respondent Nos.1 & 2 / State.
Mr. Amarsinha S. Kakade, Advocate for Respondent No.3.

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

DATE : 03rd July, 2023.

J U D G M E N T: (Per Sanjay A. Deshmukh, J.)

1 Rule. Rule made returnable forthwith and heard finally by
the consent of the parties.

2 This is an application under Section 482 of the Code of Criminal Procedure, 1973, for quashing of the First Information Report (for short "FIR") in Crime No.184 of 2021, registered with Patoda Police Station, District Beed, for the offences punishable under Sections 498-A, 323, 504 and 506 of the Indian Penal Code, 1960 (for short "IPC") and the consequential charge-sheet dated 23rd December, 2021.

3 It is alleged that the applicant is the husband of the informant. Their marriage took place in the year 2015. The applicant was treating the informant with cruelty by demanding Rs.3,00,000/- for purchasing a Polo Car. When she went for delivery to her parental house at Mauli Nagar, Patoda, on 14th February, 2017, her husband came there and demanded Rs.3,00,000/- for purchasing a car. That time, the applicant abused and slapped the informant. He used to doubt her character. He also threatened to kill her. Therefore, she lodged report.

4 The learned counsel for the applicant submitted that there is inordinate delay in lodging the FIR. The applicant is falsely implicated in this crime. The informant is residing with her parents since 2017. The applicant had no occasion to visit her and make illegal demand of Rs.3,00,000/- for purchasing the car. He lastly prayed to allow the application.

5 The learned counsel for the informant strongly opposed the application by contending that there are serious allegations of illegal demand of Rs.3,00,000/- for purchasing the car, abusing and slapping informant. The learned APP also strongly opposed the application and contended that the FIR itself is sufficient to establish the ingredients of Section 498-A of the IPC i.e. illegal demand of Rs.3,00,000/-. The learned counsel for the informant and the learned APP for the State lastly prayed to reject the application.

6 The alleged last incident of demand occurred in the year 2017. However, the FIR is lodged on 20th October, 2021. The delay is not explained by the informant. On perusal of the charge-sheet, it cannot be inferred that the applicant might have committed such offence. There is no point in conducting the trial against the applicant as there is no *prima-facie* evidence of alleged cruelty against the applicant.

7 Considering the reasons recorded above, it would be proper to allow the application to prevent abuse of process of law. Therefore, the arguments of the learned counsel for the informant and the learned APP for the State, are not accepted in this regard. Hence, the following order:

ORDER

- I. The application is allowed in terms of prayer clauses (A) and (A-1).
- II. Rule is made absolute in the above terms.

[SANJAY A. DESHMUKH, J.]

[R. G. AVACHAT, J.]

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