



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL WRIT PETITION NO. 1505 OF 2022

1. Jayshree Santosh Sathe
2. Sadhana Rahul Sawale
3. Ganesh Baban Bajad

..PETITIONERS

VERSUS

1. State of Maharashtra
2. Sharda Amol Bajad

..RESPONDENTS

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Mr. A.L. Kanade, Advocate for petitioners

Mr. V.K. Kotecha, A.P.P. for respondent no.1 – State

Mr. S.S. Birajdar, Advocate for respondent no.2 (appointed)

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CORAM : R.G. AVACHAT AND
SANJAY A. DESHMUKH, JJ
DATE : 13th DECEMBER, 2023

ORDER (PER : SANJAY A. DESHMUKH, J.) :

1. This petition, under Article 226 of the Constitution of India, has been filed for quashment of the First Information Report ('F.I.R.'), bearing Crime No. 195 of 2022 registered with Goregaon Police Station, Dist. Hingoli for the offences punishable under Sections 498-A, 323, 504 and 506 read with Section 34 of the Indian Penal Code and consequential proceeding bearing R.C.C. No. 224 of 2022 pending on the file of J.M.F.C., Sengaoon.

2. Respondent No. 2 – informant lodged the F.I.R. alleging that her marriage was performed with brother of the petitioners on 01st June, 2017.

After some day's her husband and in-laws started ill-treating her by saying that she did not cook properly and also she is not good looking. They used to starve her. Thereafter she made complaint to the Womens Grievance Redressal Cell, Hingoli on 30th June, 2020. The matter was compromised. Thereafter she resumed cohabitation with her husband. Again she was ill-treated by her husband and in-laws. They were teasing her on the ground that she has took us to the police station. Petitioner No.3 told her that she is not able to wash the clothes properly. Her parents-in-law were also teasing her on account of her behavior. Petitioner Nos. 1 and 2 were used to come for festival. They were also instigating her husband to give the informant divorce. Once they told him that they have a proposal of another girl for him. When mother of the informant was admitted in the MIT Hospital, Aurangabad on 26th March, 2022 for operation. Informant went there to visit her. That time she stayed with her mother. That time the informant's husband came there and insisted her to come with him. She refused. Therefore, he slapped her. That time he tried to take away the children. Thereafter her mother died on 23rd May, 2022. Husband of the informant and other relatives came there. They took away the daughter of the informant without her consent and without knowing her. They also made a complaint to the police station on 06th June, 2022. The informant also made a complaint to the Womens Grievance Redressal Cell for compromising the matter. Three times the compromise was attempted, however could not

succeed. Therefore, she lodged the present F.I.R. against the petitioner and her husband and in-laws.

3. Learned counsel for the petitioner submitted that all the allegations are made against the husband and in-laws. Role of the present petitioners could not spell out in the F.I.R. and charge-sheet. They are falsely implicated. He, therefore, urged for allowing the petition.

4. Learned counsel for Respondent No.2 strongly opposed the petitioner and submitted that names of the petitioners are disclosed in the F.I.R. They have treated the informant with cruelty. There is material evidence against the petitioners. He prays for rejection of the petition.

5. Learned A.P.P. also strongly opposed the petition.

6. Perused the F.I.R. and charge-sheet. Report shows names of the petitioners, however role of Petitioner Nos.1 and 2 is not specified. Allegations made against Petitioner No.3–Ganesh are that he teased the informant by saying that she is not able to wash the cloths properly. This act of Petitioner No.3 does not constitute cruelty as per Section 498-A of the I.P.C. Considering all these material facts, there is no material evidence against the present petitioners to proceed against them. It would be an abuse of process

of Court if they are forced to face the trial. We are, therefore, inclined to allow the petition.

7. In view of above, criminal writ petition is allowed in terms of prayer clause (B). Fees of Mr.S.S. Birajdar, learned counsel appointed to represent Respondent No.2, is quantified to Rs.10,000/- (Rupees Ten Thousand). Same shall be paid by Legal Service Authority.

(SANJAY A. DESHMUKH, J.)

SSD

(R.G. AVACHAT, J.)