



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

CRIMINAL APPLICATION NO.3603 OF 2022

**RAMESH VISHWANATH BAWAGE AND OTHERS
VERSUS**

THE STATE OF MAHARASHTRA AND ANOTHER

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Advocate for Applicants : Mr. Balasaheb N. Magar

APP for Respondent – State : Ms. R.R. Tandale

Advocate for Respondent No.2 : Mr. Shreyas S. Deshpande,

Advocate h/f Mr. S. B. Deshpande

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

DATE : 06th DECEMBER, 2023

ORDER [PER : SANJAY A. DESHMUKH, J.] :

1. This is an application for quashing of FIR bearing Crime No.572/2022, registered with Nanded Rural Police Station, Nanded, for offences punishable under Sections 498-A, 323, 504, 506 r/w 34 of the Indian Penal Code and the charge-sheet bearing No.431/2022 filed in R.C.C. No.1178/2022, pending before the 4th J.M.F.C., Nanded.

2. Respondent No.2 / informant alleged that her marriage was performed with son of applicant Nos.1 and 2 on 15/07/2018. Initially for one year she was treated well. Thereafter she was harassed on account of golden *Kamarpatta* and that she is not looking good. Applicants used to keep her on starvation. Her

husband used to beat her on instigation of applicants. When she was studying C.A. course at Pune, her husband used to beat her and doubt her character. Thereafter, her husband took her to Pusad and not allowed to continue C.A. course. Her husband used to beat her under the influence of liquor and ill-treat her on account of golden *Kamarpatta*. Respondent No.2 went to the house of applicant Nos.1 and 2 and tried to convince them but they demanded golden *Kamarpatta* and refused to take her for cohabitation. Her ornaments, educational documents and scooter were retained by the applicants and her husband. She was expelled from the house on 25/05/2022. Thereafter her relatives again tried to compromise the matter. However, that was not considered by the applicants and her husband. On the contrary, she was threatened to kill before she lodged the report on 23/09/2022.

3. Learned advocate for applicants submitted that applicant Nos.1 and 2, in-laws of the informant / respondent No.2 are residing at Latur. Applicant No.3 is married and residing with her husband at Karnataka. Applicants have not treated respondent No.2 with cruelty and they are falsely implicated in the crime. Respondent No.2 was residing with her husband at Pusad. It is lastly prayed to quash the report and charge-sheet.

4. Learned APP for the State and learned advocate for

respondent No.2 strongly opposed the application. Learned advocate for respondent No.2 would submit that names of applicants are mentioned in the report. They have treated respondent No.2 with cruelty. They have harassed her on account of golden *Kamarpatta*. Therefore, ingredients of Section 498-A are established from the report and the charge-sheet. It is lastly prayed to reject the application.

5. Perused the report and charge-sheet. Admittedly, respondent No.2 was residing with her husband at Pusad. There is no specific incident with date and time to show that applicants had treated respondent No.2 with cruelty. All the allegations are omnibus and not probable.

6. Learned advocate for applicants submits that, if any ornaments, educational documents and scooter of respondent No.2 are with the applicants or husband, they are ready to return the same to respondent No.2. The said submission is taken as undertaking to this Court.

7. Considering all these facts and circumstances, there is no material to proceed against the applicants under Section 498-A, 323, 504, 506 r/w 34 of the I.P.C. In such circumstances, if applicants are compelled to face the trial, it would be abuse of

process of Court. We, therefore, are inclined to allow the application.

8. Criminal application is, therefore, allowed in terms of prayer clauses 'B' and 'B(A)'. Applicant is accordingly disposed off.

(SANJAY A. DESHMUKH, J.)

(R. G. AVACHAT, J.)