



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

CRIMINAL APPLICATION NO.3665 OF 2022

- 1) Ashish Annasaheb Dhokane.
- 2) Annasaheb Maruti Dhokane.
- 3) Sulochana Annasaheb Dhokane.
- 4) Shubhangi Annasaheb Dhokane.
- 5) Shweta Sandip Thorat.
- 6) Sandip Kashinath Thorat.
- 7) Rina @ Urmila Pramod Shitole.
- 8) Mukesh Bhalchandra Katariya.

... Applicants

Versus

- 1) The State of Maharashtra.
- 2) Shubhangi Ashish Dhokane.

... Respondents

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Mr. Mahesh Kalidas Bhosale, Advocate for Applicants.
Mr. V. K. Kotecha, APP for Respondent No.1 / State.
Mr. N. B. Narwade, Advocate for Respondent No.2.

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

DATE : 01st December, 2023.

ORDER: (Per Sanjay A. Deshmukh, J.)

1 Heard the learned advocates for the respective parties.

2 This is an application, under Section 482 of the Code of Criminal Procedure, 1973, for quashment of report and the consequential charge-sheet in R.C.C. No.55 of 2022, pending in the

Court of learned Judicial Magistrate First Class, Rahata, District Ahmednagar, for the offences punishable under Sections 498-A, 406, 323, 504 and 506 read with 34 of the Indian Penal Code, 1860.

3 The learned counsel for the applicants submits that the application of applicant No.1 has already been withdrawn. Today also, on instructions, he withdraws the application of applicant Nos.2 to 4.

4 The informant/respondent No.2 averred in the report that she married with applicant No.1 (co-accused) on 26th April, 2021. Applicants were treating her with cruelty. They were saying that the marriage of informant was performed during Covid-19 cheaply without bearing heavy expenses. The informant was forced to washout lavatory, bathroom, utensils etc. eight to ten times in a day. Applicant No.8 (Mukesh) also used to tease the informant alongwith other applicants. When the informant told that fact to her husband, he beaten her and abused her. Applicant No.4 Shubhangi, unmarried sister of the husband of informant, also beaten her by fist and kick blows and hurled filthy abuses to her. When informant's parents gave some articles to her, all the accused said to her that they do not want such articles, but they want a four wheeler. They also demanded Rs.5,00,000/- for purchasing house. Those articles were sent back to her parents.

5 It is further averred in the report that on 17th May, 2021, again the informant was harassed for an amount of Rs.5,00,000/-. She was beaten and expelled out of the house. Thereafter, on 24th July, 2021, she made complaint to Bharosa Cell at the office of Superintendent of Police, Ahmednagar, but the compromise could not take place. Therefore, she lodged report on 4th October, 2021.

6 The learned counsel for applicants submitted that the applicants are falsely implicated in this crime. Their role is not specified in the FIR. There is no material evidence against the applicants. He lastly prayed to allow the application by quashing the FIR and charge-sheet.

7 The learned APP for the State and the learned counsel for the informant strongly opposed the application by contending that there is material evidence against the applicants. Their names are mentioned in the FIR. They lastly urged to reject the application.

8 Perused the FIR and charge-sheet. Applicant Nos.5 and 7 are married sisters-in-law of the informant. Applicant No.6 is the husband of applicant No.5. Applicant No.8 is a friend of the husband of informant. Their role is not specified by the informant in the FIR specifically with certain incidents alongwith date and time. Omnibus

allegations are made against these applicants. All the allegations are made against the husband, parents-in-law and unmarried sister-in-law Shubhangi Dhokane. The application is withdrawn for them. Merely because the names of applicant Nos.5 to 8 are mentioned in the FIR without specifying their specific role with particular date, they cannot be held liable for causing cruelty to the informant. Thus, there is no material to proceed against applicant Nos.5 to 8 for trial. Asking them to face trial would be an abuse of process of Court. We are inclined to allow the application to the extent of applicant Nos.5 to 8. Hence, the following order:-

ORDER

- I. The application of applicant Nos.1 to 4 is disposed off as withdrawn.
- II. The application is allowed in terms of prayer clause (B) to the extent of applicant Nos.5 to 8 only.
- III. The Trial Court is directed to consider the prayer of the parents-in-law, if they pray for exemption because of their old age, except when they are required for framing of charge and recording of statements under Section 313 of the Code of Criminal Procedure, 1973 etc.
- IV. No costs.

[SANJAY A. DESHMUKH, J.]

[R. G. AVACHAT, J.]