

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 3803 OF 2022

- 1] Vijay S/o Ankush Palte
Age : 30 years, Occu : Labour
R/o Wadala Zopadpatti, Savitribai Phule Nagar,
Wadala Gaon, Nashik, Tq. And Dist. Nashik
- 2] Ankush S/o Rambhau Palte
Age : 55 years, Occu : Labour,
R/o Mavpatoda, Tq. Partur, Dist. Jalna
- 3] Aruna W/o Ankush Palte,
Age : 50 years, Occu : Labour,
R/o Mavpatoda, Tq. Partur, Dist. Jalna
- 4] Radhabai W/o Ramesh Lokhande
Age : 30 years, Occu : Household
R/o Jaykochiwadi, Tq. Majalgaon, Dist. Beed
- 5] Chakradhar S/o Murlidhar Thorat
Age : 29 years, Occu : Agriculturist,
R/o Loni, Tq. Partur, Dist. Parbhani
- 6] Puja W/o Chakradhar Thorat
Age : 27 years, Occu : Household,
R/o Loni, Tq. Partur, Dist. Parbhani
- 7] Raju S/o Ankush Palte
Age : 38 years, Occu : Labour,
R/o House No. D-14, Savitribai Phule Nagar,
Nashik, Tq. And Dist. Nashik
- 8] Girja W/o Raju Palte
Age : 30 years, Occu : Labour,
R/o House no. D-14, Savitribai Phule Nagar,
Nashik, Tq. And Dist. Nashik

(Orig. Accused No. 1 to 8 in chargesheet)

.. Applicants

[Application is withdrawn for applicants no. **1, 3 and 4**
as per Court's order dated 18-11-2022]

Versus

- 1] The State of Maharashtra
Through Police Station Wadwani,
Dist. Beed

2] Diksha W/o Vijay Palte
Age : 23 years, Occu : Household,
R/o Savitribai Phule Nagar, Wadala Gaon,
Nashik, Tqw. And Dist. Nashik
Now R/o Kawadgaon, Tq. Wadwani, Dist. Beed .. Respondents

...
Advocate for applicant : Mr. A.V. Lavte
APP for the respondent – State : Mrs. M.A. Deshpande
Advocate for the respondent no. 2 : Mr. M.P. Kale
...

**CORAM : MANGESH S. PATIL &
M. M. SATHAYE, JJ.**

DATE : 13 MARCH 2023

ORAL ORDER (MANGESH S. PATIL, J.) :

The applicants are invoking the powers of this Court under section 482 of the Code of Criminal Procedure for quashing the crime no. 62 of 2022 registered with Wadwani Police Station, Dist. Beed for the offences punishable under section 498A, 323, 504, 506 r/w. 34 of the Indian Penal Code.

2. The application to the extent of applicants no. 1, 3 and 4 who happen to be the husband, mother-in-law and sister-in-law of the respondent no. 2 has already been withdrawn and disposed of.

3. We have heard both the sides and perused the papers including the police papers.

4. The FIR alleges about the marriage of the respondent no. 2 to have taken place on 10-06-2019 whereafter she started

cohabiting in the matrimonial home but she was subjected to ill-treatment. Writing was executed whereby the husband, mother-in-law and the sister-in-law (applicants no. 1, 3 and 4) agreed to maintain her properly. She alleges that still she was subjected to ill-treatment, demand for money was raised. Somehow she continued to cohabit. On 24-09-2021, she was assaulted with stones and was taken to hospital. Hoping that even thereafter at least she would be maintained properly, she tried to resume cohabitation but was driven out in March 2022 from the matrimonial house.

5. A careful reading of the FIR reveals that as far as the writing to maintain the respondent no. 2 properly was executed only by the applicants no. 1, 3 and 4. There is no explanation as to why signatures of the rest of the applicants were not insisted for. There is also no whisper as to how this commitment to treat her properly has any bearing *qua* allegations against the rest of the applicants.

6. Though rest of the applicants no. 2 and 5 to 8 have been named, not only in the FIR but even in the statements of the witnesses, *ex facie* the allegations are nothing but reiteration of allegations. No specific and exclusive role is attributed to each of these applicants.

7. On the contrary, even the father of the respondent no. 2 in his statement as also statements of the neighbours mention about the assault dated 24-09-2021 was by the husband of the respondent no. 2

which is clearly inconsistent with her version in the FIR where she attributes assault by stones to all the applicants.

8. In respect of the date on which she was driven out of the house, she has *ex facie* taken care to refer to all the applicants to make it believe that they all had conjointly driven her out. Again, the allegations even in that regard are vague and omnibus. Apparently even the applicants no. 5 and 6 have been residing in a different village from a different district and not a place where the matrimonial home of the respondent no. 2 situate.

9. It would be gross misuse of the process of the Court to allow the prosecution to go on as against the applicants no. 2 and 5 to 8.

10. Criminal application is partly allowed. Crime no. 62 of 2022 registered with Wadwani Police Station, Dist. Beed for the offences punishable under section 498A, 323, 504, 506 r/w. 34 of the Indian Penal Code and the consequent chargesheet leading to registration of R.C.C. no. 34 of 2022 pending before the learned Judicial Magistrate First Class, Wadwani, Dist. Beed is quashed and set aside as against applicant nos. 2 and 5 to 8.

[M. M. SATHAYE]
JUDGE

arp/

[MANGESH S. PATIL]
JUDGE