

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 3015 OF 2021

1. Sudhakar Gajaba Shinde
 2. Govind s/o Dhuraji Mule
 3. Vandana Bai Govind Mule
- ...Applicants

versus

1. The State of Maharashtra
 2. Janka Datta Mule
- ...Respondents

.....
Mr. R.D. Khadap, advocate for the applicants
Mr. M.M. Nerlikar, A.P.P. for respondent No.1
Ms. Priyanka P. Shinde, advocate for respondent No.2 (appointed).
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**CORAM : R. G. AVACHAT AND
SANJAY A. DESHMUKH, JJ.
DATED : 28th JUNE, 2023.**

PER COURT :-

1. Heard.
2. This is an application for quashment of proceeding in R.C.C. No. 502 of 2018 pending before the Additional Chief Judicial Magistrate, Aurangabad in pursuance to the Crime No. 296 of 2018 registered with Karmad police station, for the offences punishable under Sections 498-A, 323, 504 r.w. 34 of I.P.C. to the extent of the applicants.
3. The F.I.R. has been lodged by the wife on 7.8.2018. She

married to co-accused Datta in May, 2014. The couple is blessed with a male child. For a period of one year of marriage, she was treated well. The husband was unemployed. The informant was insisting him to go for work. His parents (applicant Nos. 2 and 3 herein) would however ask the informant not to insist her husband to go for work. An intervention of maternal uncle (applicant No.1) was therefore, solicited. He however, took side of the husband and the in-laws of the informant. The informant was thereafter, turned out to her matrimonial home after having been assaulted. The matter had reached to Women Redressal Grievance Cell, Jalna. A settlement was worked out. The matrimonial relations resumed. As such, the allegations against the applicants as to ill-treatment before resumption of marital tie had been condoned. Even we take those as it is, no ingredients of the offence punishable under Section 498-A get attracted.

4. It has further been averred in the F.I.R. that after resumption of cohabitation, the informant was treated well for some days. She went to parents' house for delivery. After delivery, she was not brought back to matrimonial home. Thereafter, the husband (co-accused) started to ask her to fetch Rs.2,00,000/- from her parents for opening a shop. She was, therefore, ill-treated with a view to coerce her to fetch that much amount from her parents.

5. Close reading of the F.I.R. would indicate that nothing has

been alleged against the applicants herein. The same is the case about statement of relations of the informant recorded during investigation. As such, it is a fit case to grant relief to the applicants. The application therefore, is allowed in terms of prayer clause "B" to the extent of present applicants.

6. Fees of Ms. Priyanka Shinde, the learned advocate, appointed to represent the cause of respondent No.2, is quantified at Rs.6000/-.

(SANJAY A. DESHMUKH, J.)

(R. G. AVACHAT, J.)

rlj/