

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

994 CRIMINAL APPLICATION NO.3992 OF 2022

1. Sushma Mohan Patil
2. Chanchal @ Nisha Panjabrao Vyas
3. Satish Atmaram Patil
4. Manisha Dnyandeo Khairnar

..APPLICANTS

-VERSUS-

1. The State of Maharashtra
2. Sau. Amruta Harshal Patil

..RESPONDENTS

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Advocate for Applicants : Mr.Sawant Amol Shivajirao
APP for Respondent/State : Mrs.V.N. Patil Jadhav
Advocate for Respondent No.2 : Mr.Gandhi Amol Subhash

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**CORAM : R.G. AVACHAT AND
SANJAY A. DESHMUKH, JJ.
DATED : 5th SEPTEMBER, 2023.**

ORDER (Per Sanjay A. Deshmukh) :-

. This is an application for quashment of FIR bearing Crime No.266 of 2022 registered with Deopur Police Station, Dhule, Tq. & Dist. Dhule for the offence punishable under sections 498-A, 323, 504, 506 read with 34 of the Indian Penal Code and the consequential charge-sheet in R.C.C. No.104 of 2023 pending in the Court of Judicial Magistrate, First Class-5, Dhule.

2. Informant-respondent no.2 averred in the report that she

married on 19.12.2020 and cohabited with her husband along with applicant no.1. It is alleged that her husband and applicant no.1 were demanding Rs.2,00,000/- for securing job to her husband. They were teasing her. She is dwarf and she came from slum area. The alleged incident took place from 15.01.2021 and thereafter lastly on 05.05.2022. Thereafter, she made a complaint to Bharosa Cell, Superintendent of Police, Dhule on 07.07.2022, but matter could not be settled, therefore, she lodged the report on 13.10.2022 against her husband and all the applicants.

3. The learned applicants seeks withdrawal of application of applicant no.1-mother-in-law. The application is disposed of as withdrawn to the extent of applicant no.1.

4. The applicant nos.2 and 4 are the sisters of mother-in-law and applicant no.3 is brother of father-in-law. They are no way concerned with the crime. Vague allegations were made against them. They were falsely implicated in the crime. He pointed out that application submitted by the informant to Bharosa Cell dated 07.07.2022 does not disclose the names of the applicants, and that, they took quarrel with her and expelled her from the house as alleged in the crime. He urged for quashing the report and charge sheet in R.C.C. No.104 of 2023.

5. Heard the learned APP for State and the learned advocate for respondent no.2 – informant. They have strongly objected application by contending that the names of the applicants are mentioned in the report and there is prima facie strong evidence against them. They urged for rejecting the application.

6. Perused the charge-sheet. The report is lodged on 13.10.2022 and last incident took place on 05.05.2022. Though, it is alleged in FIR that the applicants have participated in expelling her out of the house, same material fact is not appearing in the application submitted by the informant to Bharosa Cell. The incident of alleged teasing though took place on 18.01.2021, is also not mentioned in the application submitted before Bharosa Cell. All these facts show that there is no material evidence against the applicants to proceed against them and to compel them to face trial, would be an abuse of the process of the Court. The application, therefore, deserves to be allowed. It is allowed accordingly in terms of prayer clauses "A" and "9-A-1".

(SANJAY A. DESHMUKH, J.)

(R.G. AVACHAT, J.)

sga/