

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

CRIMINAL APPLICATION NO.4079 OF 2022

1. Rushikesh S/o Vilas Kulkarni
Age : 28 years, Occ. Service,
R/o. At Present Flat No. 1104,
Ivana Society, Datta Mandir Road,
Wakad, Tq. and Dist. Pune
2. Vilas S/o. Gopalrao Kulkarni,
Age : 57 years, Occ. Service,
3. Padma W/o. Vilas Kulkarni,
Age : 50 years, Occ. H. H.
4. Sampada d/o Vilas Kulkarni,
Age : 24 years, Occ. Education,
All R/o. Gaopalkrishna Nivas,
Netaji Subhashchandra Chowk,
Rukamai Nagar, Ambajogai, Tq. Ambajogai,
Dist. Beed.

.... Applicants.

Versus

1. The State of Maharashtra,
Through the Police Station Officer,
MIDC Police Station, Latur, Tq. Latur,
Dist. Latur.
2. Preshita W/o. Rushikesh Kulkarni,
Age : 28 years, Occ. Service,
R/o. Prasanna Nivas,
Near Swami Samarth Temple,
Shambu Nagar, Latur,
Ta. Latur, Dist. Latur.

.... Respondents.

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Advocate for Applicants : Mr. Namdev D. Kendre
APP for Respondent No.1 – State : Mr. G. O. Wattamwar
Advocate for Respondent No.2 : Mr. V.G. Kodale h/f. Mr. V. D. Gunale

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**CORAM : MANGESH S. PATIL AND
ABHAY S. WAGHWASE, JJ.**

DATED : 10 APRIL 2023

PER COURT :

Heard. Perused the papers.

2. The applicants are seeking quashment of the crime and the consequent charge-sheet and criminal case arising out of crime no.585 of 2022 registered with MIDC police station, Latur for the offences punishable under sections 498-A, 323, 504, 506 read with 34 of Indian Penal Code.

3. Applicant no.1 is the husband of respondent no.2. Applicants no. 2 and 3 are parents and applicant no.4 is sister of applicant no.1.

4. After we express our disinclination to grant any relief to the applicants no.1 to 3, their learned advocate, on instructions, seeks leave to withdraw the application to their extent.

5. As far as applicant no.4 is concerned, obviously she being the unmarried sister of applicant no.1, must have been residing with the rest of the applicants.

6. Taking into account the fact that the marriage was solemnized on 18.07.2021 and the couple got separated in April 2022 while the couple was residing in Pune, it was imperative for the respondent no.2 to come out with specific and precise allegations attributing some role to the applicant no.4. Accepting the averments in the FIR and the statements of the witnesses which include the parents of respondent no.2, no specific role is attributed to applicant no.4. She has been named jointly with rest of the applicants while referring to the instances wherein respondent no.2 was allegedly subjected to ill-treatment.

7. Basically, all the allegations pertain to the husband-applicant no.1, who allegedly used to contact with some girl overlooking the persistent protest lodged by respondent no.2 for such conversation. Even the allegations regarding exhortation by the rest of the applicants to the applicant no.1 by assuring him that they would solemnize his second marriage are omnibus and do not expressly state that the applicant no.4 had played some role in such exhortation.

8. In our considered view, it is a case squarely covered by ***Kahkashan Kausar alias Sonam and others v. State of Bihar and others*** ; (2022) 6 SCC 599 and the FIR and the criminal case are liable to be quashed *qua* the applicant no.4. Hence, the following order :-

ORDER

- (i) Criminal application is partly allowed.
- (ii) Criminal application of applicant nos.1 to 3 is dismissed as withdrawn.
- (iii) Crime bearing No. 585 of 2022, dated 17.10.2022 registered at MIDC Police Station, Latur and case bearing R.C.C. No.1775 of 2022 pending on the file of learned 3rd Joint Judicial Magistrate First Class, Latur, Dist. Latur are hereby quashed and set aside as only against applicant no. 4.

(ABHAY S. WAGHWASE, J.)

(MANGESH S. PATIL, J.)