



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 4135 OF 2022

1. Nilesh s/o Haribhau Pawar
 2. Indubai w/o Haribhau Pawar
 3. Pirti d/o Haribhau Pawar
 4. Swati w/o Santosh Tivhade
 5. Haribhau s/o Vyankatrao Pawar
 6. Jyoti w/o Suresh Salunke
 7. Pankaj /o Suresh Salunke
- ...Applicants

Versus

1. The State of Maharashtra
 2. Smt. Jyoti Nilesh Pawar
- ...Respondents

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Mr. Nilesh N. Bhagwat, advocate for the applicants
Mr. M.M. Nerlikar, A.P.P. for respondent No.1
Mr. Ganesh V. Mohekar, advocate for respondent No.2.

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**CORAM : R. G. AVACHAT AND
SANJAY A. DESHMUKH, JJ.
DATED: 21ST DECEMBER, 2023**

O R D E R (PER SANJAY A. DESHMUKH, J.):-

1. Learned advocate for the applicants, on instructions, withdraws the application of applicant No.1-husband.

2. This application is filed under Section 482 of Cr.P.C. for quashment of F.I.R. No. I-0487 of 2022 registered with Khultabad police station, District Chhatrapati Sambhajinagar, for the offences punishable under Sections 498-A, 323, 504 r.w. 34 of I.P.C. and

consequential charge sheet filed in R.C.C. No. 45 of 2023 pending before the J.M.F.C. Khultabad, district Aurangabad.

3. The informant-respondent No.2 averred in the report that her marriage was performed on 02.05.2015. From the said marital knot, she has two children, a son Prajwal, born in January, 2017 and a daughter Pranal, born in July 2018. Her husband used to take doubt about her daughter by saying that she is not his daughter and he is not her father. He left the job and started doing the work of electric fitting. Thereafter, all applicants and her husband started demanding Rs.2,00,000/- from her. Her husband tried to throttle her and assaulted her by fist and kick blows. He took away son Prajwal from her. She filed an application for custody of that child in the Court of J.M.F.C. Khultabad. Subsequently, the husband handed over the custody of the son to the informant. She thereafter, went for cohabitation at her in-laws house. On 24.6.2022, her husband came under the influence of liquor and beaten her. Therefore, she lodged the report on 19.11.2022.

4. Learned advocate for the applicants submitted that a false report is lodged and there is no any specific incident of assault causing cruelty to respondent No.2 on the part of these applicants is spelled out from it. There is no medical certificate of causing injuries to the informant. All allegations are omnibus. It is lastly prayed to allow the application.

5. Learned A.P.P., for the State strongly opposed the application. Learned advocate for respondent No.2 submitted that there is demand of Rs.2,00,000/- on the part of the applicants. The applicant husband has doubted her character. It is serious cruelty. The names of applicants are mentioned in the report. It is lastly prayed to reject the application.

6. Perused the charge sheet. The allegations of demand and doubting the character of informant are against the main accused i.e. the husband of informant. His application is withdrawn. Though the incident dated 24.06.2022 is quoted, the report is not lodged and there is no medical certificate about the alleged injury sustained to the informant.

7. Considering all these facts and circumstances of the case, there is no material evidence against the applicants. Mere mentioning the names of the applicants in the F.I.R. is not sufficient. On such insufficient material, compelling the applicants to face trial would certainly be an abuse of process of the court. The application deserves to be allowed. The application is accordingly allowed in terms of prayer clause "B".

(SANJAY A. DESHMUKH, J.)

(R. G. AVACHAT, J.)

rlj/