

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

CRIMINAL APPLICATION NO.4312 OF 2022

Sureshkant s/o Punjaram Rabde & ors. ... **APPLICANTS**

VERSUS

The State of Maharashtra & anr. ... **RESPONDENTS**

.....

Mr. A.M. Nagarkar, Advocate for applicants

Mr. A.R. Kale, A.P.P. for respondent No.1.

Mr. R.A. Rananavare, Advocate for respondent No.2.

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WITH

CRIMINAL APPLICATION NO.1498 OF 2023

Suvarna w/o Indrajit Hiwale ... **APPLICANT**

VERSUS

The State of Maharashtra & anr. ... **RESPONDENTS**

.....

Mr. A.M. Nagarkar, Advocate for applicants

Mr. A.R. Kale, A.P.P. for respondent No.1.

Mr. R.A. Rananavare, Advocate for respondent No.2.

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**CORAM : R.G. AVACHAT AND
KISHORE C. SANT, JJ.**

DATE : 31st OCTOBER, 2023

ORAL ORDER (PER KISHORE C. SANT, J.) :

Heard learned counsel for the applicants, learned
A.P.P. for the State and learned counsel for respondent No.2.

2. These applications are filed seeking quashment of

F.I.R. bearing No.0240/2022, registered at Waluj Police Station, Aurangabad for offences punishable under Sections 498-A, 494, 323, 504, 506 read with Section 34 of the Indian Penal Code and the consequential Charge Sheet bearing No.1/2023 and R.C.C. No.66/2023, pending before the learned Judicial Magistrate, First Class, Gangapur, District Aurangabad.

3. Criminal Application No.4312/2022 is filed by the husband, father-in-law, mother-in-law, brother-in-law and wife of brother-in-law, whereas Criminal Application No.1498/2023 is filed by sister-in-law of the respondent No.2 – informant in both the applications.

4. At the outset, learned counsel for the applicants seeks leave to withdraw the application to the extent of applicant No.1 in Criminal Application No.4312/2022. The application of applicant No.1 in Criminal Application No.4312/2022 stands disposed of as withdrawn.

5. The F.I.R. came to be lodged on 12/8/2022 for the offences as alleged. Subsequently, charge sheet came to be filed. By way of amendment, now a prayer is made to quash the charge sheet bearing No.1/2023 and R.C.C. No.66/2023, pending before the learned Judicial Magistrate, First Class, Gangapur, District Aurangabad.

6. The case in short of the informant, is that, she got married on 4/5/2014. For some days, the parties resided together. Thereafter the in-laws started demanding Rs.50,000/- for construction of the house. By that time, the informant informed her parents about the demand. The parents of the informant, therefore, requested the in-laws to wait for some time and they would pay the amount after delivery of the informant. After the delivery, the house was constructed at the cost of the parents of the respondent No.2. Thereafter for some days there were no complaints. It is alleged that, the harassment again started on the count that though the house was constructed, it was not plastered and there was no borewell in the house and again started demanding money.

7. Specific allegations are made against the husband that he used to come in drunken condition and used to beat the informant – wife. There is also allegation made that the husband got married with another lady. It is alleged that, the other in-laws instigated the husband to perform the second marriage and thus, they have every knowledge of the second marriage. A specific incident of 14/3/2022 is quoted, stating that all the in-laws assaulted the informant. Looking to the allegations of the said date, it is seen that, the specific allegations are only against the husband. So far as other relatives are concerned, the allegations are omnibus and vague. It is found that, a case is made out only against the

husband and in view of this, this Court is inclined to allow both the applications.

8. So far as applicant in Criminal Application No.1498/2022 is concerned, the applicant therein is sister-in-law of respondent No.2 informant and admittedly she is residing at a distant place with her husband.

9. Considering the above, this Court finds that, both the applications need to be allowed. Hence the following order :

ORDER

- (i) Criminal Application No.4312/2022 is allowed in terms of prayer clauses (B), and (A-1) to the extent of applicants No.2 to 5.
- (ii) Criminal Application No.1498/2023 is allowed in terms of prayer clause (B).
- (iii) Both the Criminal Applications are disposed off.

(KISHORE C. SANT, J.)

(R.G. AVACHAT, J.)

fmp/-