

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

CRIMINAL APPLICATION NO. 4327 OF 2022

1. Pravinkumar Kumarswami Pilli
 2. Kumara Swami Pilli
 3. Malleshwari Kumara Swami Pilli
- ..APPLICANTS

VERSUS

1. State of Maharashtra
 2. Dipa Pravinkumar Pilli
- ..RESPONDENTS

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Mr. V.P. Savant, Advocate for applicants
Mr. M.M. Neralikar, A.P.P. for respondent no.1 - State
Mr. M.P. Gandle, Advocate for respondent no.2

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**CORAM : R.G. AVACHAT AND
SANJAY A. DESHMUKH, JJ
DATE : 23rd AUGUST, 2023**

PER COURT :

1. Learned counsel for the applicants, on instructions, seeks withdrawal of the application of Applicant No.1. Criminal application stands disposed of as withdrawn for Applicant No.1- Pravinkumar Kumarswami Pilli.

2. Heard.

3. This application, under Section 482 of Code of Criminal Procedure, has been filed for quashment of the charge-sheet, being R.C.C. No. 624 of 2021 pending on the file of J.M.F.C., Beed in relation the the First

Information Report ('F.I.R.'), being Crime No. 127 of 2021 registered with Shivajinagar Police Station, Dist. Beed for the offences punishable under Sections 498-A, 323, 504 and 506 read with Section 34 of the Indian Penal Code ('I.P.C.').

4. What can be gathered from the police papers is that Respondent No.2 – wife got married with co-accused – Pravinkumar in November 2017. On marriage, she started residing at her matrimonial home at Hyderabad. She was gainfully employed. The F.I.R. itself suggest her parents-in-law would reside at Kothagudam, Telangana State, 350 kms. away from Hyderabad whereat both, Respondent No.2 – wife and her husband would reside together. Gist of the allegations is that co-accused – Pravinkumar used to chat on his cell phone late hours in the night. He would however, abuse Respondent No.2 – wife suspecting her fidelity. He then asked her to fetch Rs.5 lakhs from her parents for starting a money transfer business. Meanwhile, she conceived and even blessed with a baby boy. Since ill-treatment continued, parents of Respondent No.2 – wife brought her back to their residence at Beed. She had approached Women Grievance Redressal Cell, Beed and then lodged the F.I.R. On the same lines are the statements of relations of Respondent No2. - wife. She also gave supplementary statement on the following day, attributing the applicants (parents-in-law) to have made unlawful demand of money.

5. Learned A.P.P. and learned counsel for Respondent No.2 would submit that averments in the F.I.R. and the statements of relations of the wife are sufficient to proceed against the applicants herein. They, therefore, urged for rejection of the application.

6. Considered the submissions advanced. Close reading of the F.I.R. would indicate that both, Respondent No.2 – wife and her husband (co-accused) were residing together at Hyderabad. The wife was gainfully employed. The applicants, parents-in-law were staying at their native place Kothagudam, stated to be 350 kms. away from Hyderabad. In the F.I.R. it has been alleged that the husband would ill-treat her on the say of the applicants. As such, the applicants are alleged to have abetted the husband to commit offence under Section 498-A of the I.P.C. and allied offences. After having realised that there are no direct allegations against the applicants herein, the supplementary statement appears to have been given to make such allegations. Be that as it may. No specific incident of the alleged ill-treatment by the applicants in connection with unlawful demand of money has either been highlighted in the F.I.R. or in the supplementary statement. In these circumstances, directing the applicants to stand trial would be an abuse of process of Court.

7. In view of above, criminal application is allowed in terms of prayer clause (B) so far Applicant Nos. 2 and 3 are concerned.

SSD (SANJAY A. DESHMUKH, J.)

(R.G. AVACHAT, J.)