

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

CRIMINAL APPLICATION NO.4356 OF 2022

1. Ankush s/o Ashok Shinde

2. Ashok s/o Radhakishan Shinde

3. Anjali w/o Ashok Shinde

4. Anup s/o Ashok Shinde

... APPLICANTS

VERSUS

1. The State of Maharashtra

2. The Police Station Incharge,
Bhingar Camp Police Station

3. Anuja @ Vaishnavi w/o Ankush Shinde **... RESPONDENTS**

.....
Mr. N.K. Kakade, Advocate holding for
Mr. A.N. Kakade, Advocate for applicants
Mr. N.T. Bhagat, A.P.P. for respondents No.1 and 2
Mr. R.D. Thorat, advocate for respondent No.3 (appointed)
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**CORAM : R.G. AVACHAT AND
SANJAY A. DESHMUKH, JJ.**

DATE : 30th JUNE, 2023

ORDER :

After hearing learned counsel for the applicants for a while, the Court expressed disinclination to grant relief to the applicant No.1. Learned counsel for the applicants, therefore, comes around to withdraw the application of applicant No.1. The

application of applicant No.1, therefore, stands disposed of as withdrawn.

2. Heard. This application is filed for quashing the Charge Sheet No.268/2021 in R.C.C. No.1389/2021, pending before the learned Judicial Magistrate, First Class (Court No.3), Ahmednagar which is registered pursuant to Crime No.0438/2021, registered with Bhingar Camp Police Station, Ahmednagar for the offences punishable under Sections 498-A, 323, 504, 506 read with Section 34 of the Indian Penal Code.

3. The case of the prosecution, as is disclosed from the F.I.R. dated 22/10/2021 and the papers of investigation is that, the informant - respondent No.3 was emotionally involved with the applicant No.1. Both of them eloped and got married. As such, it was a love marriage. After having stayed together for about two months, the family members of both of them performed their marriage in celebratory form. On marriage, the respondent No.3 started residing at her matrimonial home at Bhingar, Ahmednagar. From the F.I.R. itself, it appears that, eight days after the marriage the applicant No.4 along with his wife separated and started residing away from informant's matrimonial home. Close reading of the F.I.R. would further indicate that, except the applicant No.1 - husband, all others were alleged to have ill-treated her over her

behaviour at matrimonial home. There is no whisper in the F.I.R. indicating any of the applicants to have ill-treated her so as to compel her to fetch money or meet unlawful demand thereof.

4. The learned counsel for the respondent No.3 wife would submit that the applicants would instigate the applicant No.1 so as to ill-treat her. Even we accept the same, there is no whisper at all to indicate these applicants No.2 to 4 had instigated the husband of the informant to ill-treat her so as to coerce her to fetch money from her parents. As such, the ingredients of Section 498-A are lacking against all the applicants except applicant No.1. We are, therefore, inclined to allow the application of applicants No.2 to 4. Hence the order :

ORDER

- (i) The criminal application is partly allowed.
- (ii) The proceedings of Charge Sheet No.268/2021 in R.C.C. No.1389/2021, pending before the learned Judicial Magistrate, First Class (Court No.3), Ahmednagar which is registered pursuant to Crime No.0438/2021, registered with Bhingar Camp Police Station, Ahmednagar for the offences punishable under Sections 498-A, 323, 504, 506 read with Section 34 of the Indian Penal Code are

quashed as against the applicants No.2 to 4.

(iii) Fees of Mr. Thorat, learned counsel appointed for respondent No.3 is quantified at Rs.6000/- (Rupees six thousand).

(SANJAY A. DESHMUKH, J.)

(R.G. AVACHAT, J.)

fmp/-