



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

CRIMINAL APPLICATION NO. 18 OF 2022

1. SATISH SHANKAR JADHAV
Age: 38 years, Occu: Service,
R/o: Amrunaik Tanda, Masalga,
Post Devthana, Taluka Bhokar,
District Nanded
 2. SHANKAR AMRUJI JADHAV
Age: 69 years, Occu: Nil,
R/o: As above
 3. PARVATIBAI SHANKARRAO JADHAV
Age: 65 years, Occu: Household,
R/o: As above
 4. SARASWATI VILAS JADHAV
Age: 33 years, Occu: Household,
R/o: As above
 5. SUMAN PANDURANG RATHOD
Age: 40 years, Occu: Household,
R/o: At Mulpeth Tanda,
Post Rani Savargaon, Taluka Gangakhed,
District Parbhani
 6. PANDURANG LOBHAJI RATHOD
Age: 44 years, Occu: Agriculture,
R/o: As above
- ..Applicants

Versus

1. STATE OF MAHARASHTRA
Through Police Station Officer,
Shivaji Nagar Police Station, Nanded
 2. PRIYANKA SATISH JADHAV
Age: 29 years, Occu: Household,
R/o: Amrut Niwas, Near Swami Samarth Mandir,
Maganpura, Nanded
Mobile No: 9373233573
- ..Respondents

Mr. Satyajit S. Bora, Advocate for Applicants.
Mr. A. R. Kale, APP for Respondent-State.
Mr. G. R. Syed, Advocate for Respondent No.2.

...

**CORAM : SMT. VIBHA KANKANWADI AND
S. G. CHAPALGAONKAR, JJ.**

DATED : 18th OCTOBER, 2024.

P.C.

1. The present application has been filed under Section 482 of the Criminal Procedure Code for quashment of proceeding i.e. RCC No.1050/2021 pending before learned Judicial Magistrate First Class, Nanded arising out of FIR vide Crime No.499/2019 dated 11.12.2019 for offences punishable under Sections 420, 467, 468 r/w 34 of the Indian Penal Code.

2. Before we proceed, a fact will have to be mentioned in the beginning that when the matter was on board on 27.01.2022 this Court by order allowed applicant nos.1 and 2 to withdraw application. The matter then proceed for reliefs claimed by applicant nos.3 to 6. The applicant no.3 is mother-in-law, applicant nos.4 and 5 are sisters-in-law and applicant no.6 is husband of applicant no.5.

3. Heard Mr. Bora, learned Advocate for the applicants, Mr. Kale, learned APP for the respondent-State and Mr. Syed, learned Advocate for respondent no.2. In order to cut short, it can be stated that they all have made submissions supporting their respective contentions. Perused the charge-sheet.

4. The main allegations in the present FIR lodged by respondent no.2 is that there was marital discord between herself and applicant no.1. However, according to her, she was still

residing with husband. She received phone call from father on 05.12.2019 making enquiry as to whether she has given divorce to husband or has given signature on documents. When she asked father as to why he is asking in such a manner, the father replied that one of their relative informed that all the accused persons had gone to Kinwat and showed them decree of divorce obtained from the Court. The divorce was between applicant no.1 and respondent no.2. Thereafter, the informant and her father went to Family Court, Nanded and collected documents, whereupon they realized that there is forgery of her father's signature and also false mobile number has been quoted. Therefore, according to respondent no.2, the decree has been obtained by practicing fraud upon the Court. Perusal of the statement of witnesses recorded under Section 161 of the Criminal Procedure Code would show that similar statements have been made. The statement of witnesses would show that they are near relatives of respondent no.2. The Bailiff who had served the notice i.e. Gautam Govindrao Walvante, the landlady wherein father of the informant is residing on rent, the statement of that relative from Kancheli Tanda, Tal. Kinwat, who had given that information to father of the informant that all the accused had gone to their place and showed them decree of divorce has not been recorded. Therefore, contents of the charge-sheet would show that no active role is attributed to applicant nos.3 to 6 and, therefore, it would be unjust to ask them to face the trial. This is a fit case where we can exercise our powers under Section 482 of the Criminal Procedure Code in their favour. Hence, we proceed to pass following order:

ORDER

- a. Criminal Application stands allowed in favour of applicant nos.3 to 6.

b. The proceeding in RCC No.1050/2021 pending before learned Judicial Magistrate First Class, Nanded arising out of FIR vide Crime No.499/2019 dated 11.12.2019 for offences punishable under Sections 420, 467, 468 r/w 34 of the Indian Penal Code is hereby quashed and set aside to the extent of applicant nos.3 to 6.

c. Criminal Application is disposed of.

(S. G. CHAPALGAONKAR)
JUDGE

(SMT. VIBHA KANKANWADI)
JUDGE