



IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

CRIMINAL APPLICATION NO.89 OF 2023

- 1) Deepak Pundlik Bahir,
Age-32 years, Occu:Service,
R/o-Shirapur (Dhumal),
Tq-Shirur Kasar, Dist-Beed,
(Husband),
- 2) Pundlik Dashrath Bahir,
Age-60 years, Occu:Agriculture,
R/o-Shirapur (Dhumal),
Tq-Shirur Kasar, Dist-Beed,
(Father-in-law),
- 3) Sunita Pundlik Bahir,
Age-55 years, Occu:Household,
R/o-Shirapur (Dhumal),
Tq-Shirur Kasar, Dist-Beed,
(Mother-in-law),
- 4) Dharamraj Pundlik Bahir,
Age-28 years, Occu:Service,
R/o-Shirapur (Dhumal),
Tq-Shirur Kasar, Dist-Beed,
(Brother-in-law),
- 5) Indravani Bhimrao Pingle,
Age-65 years, Occu:Household,
R/o-Shirapur (Dhumal),
Tq-Shirur Kasar, Dist-Beed,
(Paternal aunt),
- 6) Prashant Ramkisan Shinde,
Age-50 years, Occu:Agriculture,
R/o-Anrathwan Pimpri,,
Tq-Beed, Dist-Beed,
(Maternal uncle),

7) Laxmibai Ramkisan Shinde,
Age-75 years, Occu:Agriculture,
R/o-anrathwan Pimpri,
Tq-Beed, Dist-Beed,
(Maternal Grandmother),

8) Ashwini Sharad Shinde,
Age-30 years, Occu:Household,
R/o-At Post-Hiwarshinga,
Tq-Shirur Kasar, Dist-Beed.
(Sister-in-law)

...APPLICANTS

VERSUS

1) The State of Maharashtra,
Through Police Inspector,
Talwada Police Station,
Talwada, Tq-Georai, Dist-Beed,

2) Archana Deepak Bahir,
Age-25 years, Occu:Household,
R/o-C/o- BalasahebSahebrao Gavate,
At Post-Rajapur, Tq-Georai,
Dist-Beed.

...RESPONDENTS

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Mr. N.K. Tungar Advocate for Applicants.
Mr. A.V. Lavte, A.P.P. for Respondent No.1.
Mr. Pratik P. Pangal Advocate appointed for Respondent
No.2 (**Absent**).

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

DATE : 22nd OCTOBER, 2024

ORDER [PER SMT. VIBHA KANKANWADI, J.]:

1. Present Application has been filed under Section 482 of the Code of Criminal Procedure for quashing and setting aside the proceedings in R.C.C. No.341 of 2022 pending before the learned

Judicial Magistrate First Class, Georai, District-Beed arising out of the the First Information Report (for short "the FIR") vide Crime No. 122 of 2022, dated 11th July 2022 registered with Talwada Police Station, Taluka-Georai, District-Beed, for the offence punishable under Sections 498-A, 323, 504 read with Section 34 of the Indian Penal Code.

2. It is not in dispute that respondent No.2 got married to applicant No.1 on 25th April 2018. Applicant Nos.2 and 3 are the father-in-law and mother-in-law, respectively. Applicant No.4 is the brother-in-law of respondent No.2. Applicant No.5 is paternal aunt, applicant No.6 is maternal uncle, applicant No.7 is maternal grandmother and applicant No.8 is sister-in-law of respondent No.2.

3. It will not be out of place to mention here that after hearing the learned Advocate for the applicants, when disinclination is shown to grant any relief to applicant No.1 – husband, learned Advocate for the applicants, upon instructions, sought leave to withdraw application as against applicant No.1. Accordingly, application stands disposed of as withdrawn as against applicant No.1 – Deepak Pundlik Bahir.

4. The matter proceeded for the reliefs claimed by applicant Nos.2 to 8. Respondent No.2 had not appeared in the matter though duly served. Learned Advocate Mr. Pratik Pangal was appointed to represent respondent No.2. However, he was absent on the date when the matter was heard.

5. Heard learned Advocate Mr. Tungar for the applicants and learned APP Mr. Lavte for respondent No.1 – State.

6. Perusal of the FIR would show that though respondent No.2 is accepting that applicant Nos. 5 to 8 are residing at different places, yet she has tried to pose that they were also residing her matrimonial home. She has not given the reason as to why the married paternal aunt, maternal uncle, maternal grandmother and married sister-in-law were residing with the other accused persons. She has stated that she was treated properly for about a month after the marriage dated 25th April 2018. Then she says that as her husband got job as clerk with Government I.T.I., the accused persons started unnecessarily abusing her, they kept her starving and gave physical and mental cruelty. Her husband started saying that she should bring an amount of Rs.5,00,000/- from her parents and he was assaulting her. The accused persons were saying that they have

given an amount of Rs.15,00,000/- for getting the job for applicant No.1 and for that purpose she should bring amount of Rs.5,00,000/- from her parents. When she expressed inability, then the harassment was given. As regards paternal aunt, maternal uncle, maternal grandmother and sister-in-law, she says that they were unnecessarily harassing her on account of money. She then states that she had begotten son on 28th February 2019. Her husband left her to her parents house in 2021 by saying that he will come after eight days to fetch her but till the date of FIR, he has never taken her back for cohabitation. When she had made phone call to him, at that time he abused and told that he would allow her to cohabit only upon bringing amount of Rs.5,00,000/-.

7. From the above statements, it can be said that the alleged harassment is not continuous and further when the other accused persons, i.e. accused Nos. 5 to 8, were not even residing with the in-laws and husband, still they appeared to have been dragged into the litigation with ulterior motive. Only the omnibus allegations regarding the harassment have been made.

8. The statements of witnesses are also on the same line. There are lacunas those have been left regarding the non-explanation of the period between 28th February 2019 to 2021. It is also hard to believe that after applicant No.1 would have got the job, then for some reason there is harassment. Applicant No.1 has filed divorce petition before the Family Court, Beed on 21st July 2021 and thereafter the present FIR has been filed. The relatives of the husband should not be harassed on the basis of such allegations and therefore, the case is made out for quashing the FIR and the proceedings against them. Hence the following order:-

ORDER

- (I) The Application stands partly allowed.
- (II) Application stands disposed of as withdrawn as against applicant No.1 – Deepak Pundlik Bahir.
- (III) Application stands allowed as against applicant Nos.2 to 8.
- (IV) The proceedings in R.C.C. No.341 of 2022 pending before the learned Judicial Magistrate First Class, Georai, District-Beed arising out of the the First Information Report vide Crime No. 122 of 2022, dated 11th July 2022 registered with

Talwada Police Station, Taluka-Georai, District-Beed, for the offence punishable under Sections 498-A, 323, 504 read with Section 34 of the Indian Penal Code, stands quashed and set aside as against applicant Nos.2 to 8 i.e. 2) Pundlik Dashrath Bahir, 3) Sunita Pundlik Bahir, 4) Dharamraj Pundlik Bahir, 5) Indravani Bhimrao Pingle, 6) Prashant Ramkisan Shinde, 7) Laxmibai Ramkisan Shinde and 8) Ashwini Sharad Shinde.

[S.G. CHAPALGAONKAR]
JUDGE

[SMT. VIBHA KANKANWADI]
JUDGE

asb/OCT24