



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

59 CRIMINAL APPLICATION NO.714 OF 2022

- 1 Rangnath Ramrao More,
Age 58 yrs., Occ. Service,
- 2 Yashodabai w/o Rangnath More,
Age 55 yrs., Occ. Housewife,
- 3 Pankaj Rangnath More,
Age 26 yrs., Occ. Student,

Applicant Nos.1 to 3 are r/o Gangapur,
Tq. Gangapur, Dist. Aurangabad.

- 4 Sandesh Trimbak Shejwal,
Age 47 yrs., Occ. Business,
R/o Mahu Nagar, House No.4-7-667,
Behind Sindhi Colony,
Aurangabad.

... Applicants

... **Versus** ...

- 1 The State of Maharashtra
Through Police Station Officer,
Gangapur Police Station,
Aurangabad, Dist. Aurangabad.
- 2 Priya w/o Prashant More,
Age 23 yrs., Occ. Business & Household,
R/o Behind Amul Milk Parlour,
Beside Siddheshwari Aqua Water
Supplier and Sai Sale Corporation,
Nakshatrawadi, Aurangabad, Dist. Aurangabad.

... Respondents

...

Mr. B.R. Kedar, Advocate for applicants
Mrs. Priya R. Bharaswadkar, APP for respondent No.1
Mr. M.G. Kochar, Advocate for respondent No.2

...

WITH

CRIMINAL APPLICATION NO.58 OF 2021

Sou. Prajakta w/o Amit Mandale,
Age 31 yrs., Occ. Housewife,
R/o 36, Bhimnagar, Bhavsingpoor,
Aurangabad.

... **Applicant**

... **Versus** ...

- 1 The State of Maharashtra
Through Police Station Officer,
Gangapur Police Station,
Aurangabad, Dist. Aurangabad.
- 2 Priya w/o Prashant More,
Age 23 yrs., Occ. Business & Household,
R/o Behind Amul Milk Parlour,
Beside Siddheshwari Aqua Water
Supplier and Sai Sale Corporation,
Nakshatrawadi, Aurangabad, Dist. Aurangabad.

... **Respondents**

...

Mr. B.R. Kedar, Advocate for applicant
Mrs. Priya R. Bharaswadkar, APP for respondent No.1
Mr. M.G. Kochar, Advocate for respondent No.2

...

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

DATE : 02nd SEPTEMBER, 2024

ORDER : (PER : SMT. VIBHA KANKANWADI, J.)

1 Criminal Application No.58 of 2021 has been filed by original accused No.5, who is sister-in-law of respondent No.2, whereas Criminal Application No.714 of 2022 is filed by father-in-law, mother-in-law, brother-in-law and maternal uncle-in-law of respondent No.2 for quashing First Information Report vide Crime No.426/2020 dated 17.12.2020 registered with Gangapur Police Station, Dist. Aurangabad and proceedings in Regular Criminal Case No.196/2021 pending before learned Judicial Magistrate First Class, Gangapur, Dist. Aurangabad, for the offence punishable under Sections 498-A, 323, 504, 506, 354 of the Indian Penal Code, 1860.

2 Before considering the facts what is not in dispute is that respondent No.2 got married on 23.12.2018 to one Prashant More, who is son of applicant Nos.1 and 2 from Criminal Application No.714 of 2022. It is also not in dispute that Prashant More was serving as Assistant Branch Manager in Union Bank of India, Branch at Rohilgad, Tq. Ambad, Dist. Jalna at the time of marriage. It is also not in dispute that the sister-in-law i.e.

applicant in Criminal Application No.58 of 2021 was already married.

3 Heard learned Advocate Mr. B.R. Kedar for applicants, learned APP Mrs. Priya R. Bharaswadkar for respondent No.1 and learned Advocate Mr. M.G. Kochar for respondent No.2, in both matters and perused the entire charge sheet. In order to cut short, it can be said that they have argued in support of their respective contentions.

4 Perusal of the First Information Report would show that there are specific allegations against applicant Nos.1 to 3 in Criminal Application No.714 of 2022. It is her specific statement that husband was not taking her to Rohilgad and after about two months of marriage she started saying to her husband that he should take her with him, but at that time the husband assaulted her and told that he is already married and has a son. Thereafter, all the accused persons started demanding amount of Rs.5,00,000/- for purchasing a flat at Aurangabad. She has also made allegations for offence under Section 354 of the Indian Penal Code against father-in-law and she states that when she has disclosed it to mother-in-law, she asked her to keep quiet. Even similar allegations are against applicant No.3 – brother-in-law. She has also given the dates on which amounts were demanded and also states that her parents had given amount of Rs.2,50,000/- in cash to husband

and told him that they should not harass respondent No.2. Therefore, taking into consideration these allegations, we do not find this to be a fit case to exercise our powers under Section 482 of the Code of Criminal Procedure in favour of applicant Nos.1 to 3 in Criminal Application No.714 of 2022. Application, therefore, stands dismissed as against applicant Nos.1 to 3 in Criminal Application No.714 of 2022.

5 Learned Advocate for applicants has tried to say that in her application under Domestic Violence Act, respondent No.2 has given a different story and in fact the father-in-law had lodged complaint against her in anticipation that such complaint would be filed. Series of complaints were filed by father-in-law and, therefore, according to learned Advocate for applicants, First Information Report has been lodged with *mala fide* intention. He also submits that in fact respondent No.2 herself was married with one Santosh Khadse and in complaint dated 28.11.2020 husband has stated that even now respondent No.2 is in contact with that Santosh and thereby she is in illicit relations. It is to be noted that the defence, which is required to be proved by accused persons, cannot be considered. No doubt, the husband appears to have filed proceedings for annulment of marriage, but then, now, there is word against word. The alleged first marriage of respondent No.2 will have to be proved by the husband before the competent

Court.

6 However, as regards First Information Report and contents of charge sheet is concerned, allegations against the maternal uncle of husband and sister-in-law are vague and omnibus. Why the maternal uncle, who is residing in Aurangabad, was residing in the matrimonial home of respondent No.2 is not explained. So also, why the married sister-in-law was residing with her parents is also not explained. Therefore, mere statement that in her matrimonial home these two persons were residing cannot be considered. No overt act is attributed as against them and, therefore, case is made out for quashing First Information Report and charge sheet against them. Hence, following order.

ORDER

1 Criminal Application No.58 of 2021 stands allowed and Criminal Application No.714 of 2022 stands allowed in respect of applicant No.4 only.

2 The First Information Report vide Crime No.426/2020 dated 17.12.2020 registered with Gangapur Police Station, Dist. Aurangabad and proceedings in Regular Criminal Case No.196/2021 pending before learned Judicial Magistrate First Class, Gangapur, Dist. Aurangabad, for the offence

punishable under Sections 498-A, 323, 504, 506, 354 of the Indian Penal Code, 1860 stand quashed and set aside as against applicant **Prajakta w/o Amit Mandale** in Criminal Application No.58 of 2021 and applicant No.4 **Sandesh Trimbak Shejwal** in Criminal Application No.714 of 2022.

3 Criminal Application No.714 of 2022 stands dismissed as against applicant Nos.1 to 3.

(S.G. CHAPALGAONKAR, J.)

(SMT. VIBHA KANKANWADI, J.)

agd