



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

21 CRIMINAL APPLICATION NO.521 OF 2023

- 1 Lalchand @ Chandan Santosh Sakla,
Age 29 yrs., Occ. Labour,
- 2 Santosh Birdichand Sakla,
Age 50 yrs., Occ. Nil,
- 3 Hemlatabai Santosh Sakla,
Age 46 yrs., Occ. Household,
- 4 Dipak Santosh Sakla,
Age 22 yrs., Occ. Education,

Applicant Nos.1 to 4 are
R/o Sambhaji Colony,
N-6, CIDCO, Aurangabad.

- 5 Sugna Gopal Padiyar,
Age 38 yrs., Occ. Household,
R/o Near Lakdoba Mandir,
Jawla Bazar, Hingoli.

... Applicants

... **Versus** ...

- 1 The State of Maharashtra
Through In-charge,
Ahmednagar Taluka Police Station,
Ahmednagar, Dist. Ahmednagar.
- 2 Priyanka Chandan Sakla,
Age 24 yrs., Occ. Household,
R/o Sarola Kasar,
Tq. & Dist. Ahmednagar.

... Respondents

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Mr. M.K. Bhosale, Advocate for applicants

Mr. S.A. Gaikwad, APP for respondent No.1

Mrs. Anagha Vasantrao Rotte, Advocate (appointed) for respondent No.2

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**CORAM : SMT. VIBHA KANKANWADI &
R.W. JOSHI, JJ.**

DATE : 18th NOVEMBER, 2024

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

1 Present application has been filed initially for quashing First Information Report vide Crime No.36/2023 dated 16.01.2023 registered with Ahmednagar Taluka Police Station, Dist. Ahmednagar and later on for quashing proceedings in Regular Criminal Case No.713/2023 pending before learned Chief Judicial Magistrate, Ahmednagar, for the offence punishable under Sections 498-A, 323, 504, 506 of the Indian Penal Code, 1860.

2 It is not in dispute that respondent No.2 and applicant No.1 (whose application has been withdrawn under the orders of this Court dated 13.03.2023, after disinclination is shown) got married on 15.04.2022. Applicant Nos.2 and 3 are parents-in-law and applicant No.4 is brother-in-law of respondent No.2. Applicant No.5 is the niece of applicant No.3.

3 Heard learned Advocate Mr. M.K. Bhosale for applicants, learned APP Mr. S.A. Gaikwad for respondent No.1 and learned appointed Advocate Mrs. Anagha Vasantrao Rotte for respondent No.2.

4 After hearing learned Advocate for applicants and disinclination is shown to grant any relief to applicant Nos.2 and 3, the learned Advocate for the applicants, on instructions, seeks withdrawal of the application and wants to proceed in respect of reliefs claimed on behalf of applicant Nos.4 and 5.

5 Perusal of the contents of the First Information Report and the entire charge sheet would show that as regards applicant No.4 is concerned, his involvement is stated to be along with applicant Nos.1 to 3. In fact, he is the younger brother of husband. It is tried to be submitted on behalf of applicants that applicant No.4 was residing at Jalna and pursuing his studies. Even if we may consider the said fact by the applicants; yet, no specific role has been attributed against him in the First Information Report and the contents of the charge sheet. Further, as regards applicant No.5 is concerned, the contention of the applicants is that applicant No.5 got married prior to marriage between applicant Nos.1 and respondent No.2 and she resides at Hingoli along with her husband. Her parental home is adjacent to the

matrimonial home of respondent No.2. In the First Information Report it is stated that applicant No.5 resides in the neighbourhood of the matrimonial home. Though it is tried to be stated on behalf of respondent No.2 that applicant No.5 used to interfere in the affairs of the house of husband and even she used to assault and abuse respondent No.2, it can be seen that there are no words of instigation mentioned. The allegations against husband and in-laws mainly are that they were demanding amount of Rs.15,00,000/- for constructing house and on that count or in order to fulfill that illegal demand the harassment was given. Applicant No.5 is the niece of applicant No.3. She could not be got anything out of alleged illegal demand. Further, when she is a married person, then why she would interfere in the affairs of applicant Nos.1 to 3, would be a question and the interference is not specifically tried to be demonstrated with incidences in the First Information Report. Therefore, we take that those allegations are in order to rope the family members and, therefore, as regards applicant Nos.4 and 5 are concerned, case is made out for quashing the First Information Report and the proceedings. Hence, following order.

ORDER

- i) Criminal Application stands allowed in respect of prayers for

applicant Nos.4 and 5.

ii) Criminal Application stands disposed of as withdrawn as against applicant Nos.1 to 3.

iii) First Information Report vide Crime No.36/2023 dated 16.01.2023 registered with Ahmednagar Taluka Police Station, Dist. Ahmednagar and the proceedings in Regular Criminal Case No.713/2023 pending before learned Chief Judicial Magistrate, Ahmednagar, for the offence punishable under Sections 498-A, 323, 504, 506 of the Indian Penal Code, 1860 stand quashed and set aside as against applicant Nos.4 and 5.

iv) Fees of the appointed Advocate is quantified at Rs.5,000/- (Rupees Five Thousand only), to be paid by High Court Legal Services Sub Committee, Aurangabad.

(R.W. JOSHI, J.)

(SMT. VIBHA KANKANWADI, J.)

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