



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

CRIMINAL APPLICATION NO. 534 OF 2023

1. Priyanka w/o Vijay Sarkate,
Age : 32 Years, Occu. : Household,
R/o Sultanpur, Tq. Lonar,
Dist. Buldhana.
2. Vijay s/o Kachru Sarkate,
Age : 36 Years, Occu. : Business,
R/o Veni Road, Warad No. 5,
Sultanpur, Tq. Lonar,
Dist. Buldhana.
3. Shital W/o Ravi Jadhav,
Age : 35 Years, Occu. : Household,
R/o Vrundavan Nagar, Chikali
Road, Buldhana, Tq. and
Dist. Buldhana.
4. Ravi Bhaskar Jadhav,
Age : 40 Years, Occu. : Pvt. Service,
R/o Vrundavan Nagar, Chikali
Road, Buldhana, Tq. and
Dist. Buldhana.
5. Savita wd/o Macchindra Kamble,
Age : 64 Years, Occu. : Household,
R/o Manoj Niwas, Rajeshwar Nagar,
Old Azispura, Near D. Ed. College,
Saghwan, Buldhana,
Tq. and Dist. Buldhana.
6. Manoj S/o Machindra Kamble,
Age : 28 Years, Occu. : Service,
R/o Manoj Niwas, Rajeshwar Nagar,
Old Azispura, Near D. Ed. College,
Saghwan, Buldhana,
Tq. and Dist. Buldhana.

At present Military Hospital,
Ahmednagar, Tq. & Dist. Ahmednagar. .. Applicants

Versus

1. The State of Maharashtra,
Through Police Inspector,
Sillod City Police Station,
Tq. Sillod, Dist. Buldhana.
2. Sonali W/o Manoj Kamble,
Age : 21 Years, Occu. : Household,
R/o Rajeshwar Nagar,
Buldhana, Tq. & Dist. Buldhana,
At present C/o Kavita Pandit Arak
Anand Park, Bharadi Road,
Sillod, Tq. Sillod,
Dist. Aurangabad. .. Respondents

Shri Angad L. Kanade, Advocate for the Applicants.
Shri V. M. Jaware, A. P. P. for the Respondent No. 1.
Shri V. C. Suradkar, Advocate for the Respondent No. 2.

**CORAM : MANGESH S. PATIL AND
SHAILESH P. BRAHME, JJ.
DATE : 04 APRIL 2024.**

FINAL ORDER (Per Shailesh P. Brahme, J.) :

- . Heard both the sides finally.
2. After hearing for some time, when we expressed our disinclination to grant any relief to the applicant No. 5, learned counsel for the applicants on instructions seeks leave to withdraw criminal application to the extent of the applicant No. 5. The criminal application is dismissed as withdrawn to the extent of the applicant No. 5. The criminal application to the

extent of the applicant No. 6 has already been withdrawn vide order dated 14.03.2023. Therefore, we are dealing with present criminal application only to the extent of applicant Nos. 1 to 4.

3. Applicant Nos. 1 to 4 are seeking quashment of FIR bearing CR No. 223/2022 of Sillod City Police Station for the offence U/Sec. 498-A, 323, 504, 506 r/w Sec. 34 of the Indian Penal Code (for short "I. P. Code") and consequential charge sheet as well as R.C.C. No. 60 of 2023 pending before the Judicial Magistrate First Class, Sillod.

4. The respondent No. 2 is the informant, who was married with the applicant No. 6 on 28.11.2021. Applicant No. 1 and 3 are sisters-in-law of the informant. Applicant Nos. 2 and 4 are their respective husbands.

5. It is alleged by the informant that after two months of marriage, husband started nagging and abusing her. Applicants who were residents of Buldhana used to abet husband and mother-in-law. She was abused and beaten by mother-in-law. She was demanded amount of Rs. 10,00,000/- for purchasing flat at Aurangabad. When she expressed inability to satisfy the demand, she was denied cohabitation.

6. Learned counsel for the applicants submits that applicant Nos. 1 to 4 were residing separately. They were not sharing shelter with the informant. Allegations against them are omnibus and extremely vague. They are falsely implicated in the

offence in question out of vengeance. No offence can be made out from the material collected in the investigation.

7. Learned Assistant Public Prosecutor and the learned counsel for the respondent No. 2 would submit that applicants are residents of Buldhana where the couple resided. There is material collected against them to show their complicity. Informant was being illtreated physically and mentally to satisfy demand of Rs. 10,00,000/-. It is further submitted that a statement of independent witness, Pooja has been recorded, which corroborates allegations.

8. We have considered rival submissions of the parties. We have made it clear that we are considering the claim of quashments to the extent of applicant Nos. 1 to 4. First information report and the material collected during the investigation does indicate involvement of husband and mother-in-law. Allegations of beating are specifically attributable to them.

9. So far as applicant Nos. 1 to 4 are concerned, though they are referred in FIR, role attributed to them is very vague and lacking material particulars. The statements of the witnesses do not take the matter further. When the applicants were not sharing shelter with the informant, applicant Nos. 1 and 3 are married and allegations are attributable to the husband and mother-in-law, no case can be made out against them. The statement of Pooja, neighbour, is hear say account. They seem to

have been implicated obliquely. We propose to follow the law laid down by the Supreme Court in the matters of Kahkasha Kausar @ Sonam and others Vs. State of Bihar reported in *(2022) 6 SCC 599* and in the matter of Geeta Malhotra and another Vs. State of U. P. and another reported in *(2012) 10 SCC 741*.

10. We are inclined to allow criminal application to the extent of applicant Nos. 1 to 4. We, therefore, pass following order.

O R D E R

(i) The criminal application is allowed to the extent of applicant Nos. 1 to 4.

(ii) FIR bearing CR No. 223/2022 registered with Sillod City Police Station, Dist. Aurangabad for the offences U/Sec. 498-A, 323, 504, 506 r/w Sec. 34 of the I. P. Code and consequential charge sheet and proceedings bearing R.C.C. No. 60 of 2023 pending before the Judicial Magistrate First Class, Sillod are quashed and set aside to the extent of applicant Nos. 1 to 4.

(iv) The criminal application is disposed of.

[SHAILESH P. BRAHME, J.] [MANGESH S. PATIL, J.]

bsb/April 24