



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

CRIMINAL APPLICATION NO.764 OF 2024

- 1) Swapnil S/o Siddharth Katkar,
Aged-37 years, Occu:IT Engineer,
- 2) Mr. Siddharth S/o Shriram Katkar,
Age-66 years, Occu:Retired,
- 3) Mrs. Sadhana W/o Siddharth Katkar,
Age-59 years, Occ:Housewife,
- 4) Mr. Ram S/o Siddharth Katkar,
Age-31 years, Occu:IT Engineer.

All R/o- Plot No.63, Gulmohar,
Lakmanya Housing Society, Jagannath
Nagar, Beltarodi, Nagpur, Dist-Nagpur.

...APPLICANTS

VERSUS

- 1) The State of Maharashtra,
Through Police Station Officer,
Police Station Ramanand Nagar,
Jalgaon, Tahsil and District-Jalgaon,
- 2) Mrs. Kranti W/o Swapnil Katkar,
Age-28 years, Occu:Housewife,
R/o-Plot No.66, Parvati Nagar,
Near Gaurabai Hall, Jalgaon,
Tahsil and District-Jalgaon.

...RESPONDENTS

...
Mr. Rupesh M. Daronde Advocate and Mr. Sanjiv S. Sathe
Advocate for Applicants.

Mr. N.R. Dayama, A.P.P. for Respondent No.1.

Mr. S.B. Yawalkar Advocate for Respondent No.2.

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

DATE : 14th NOVEMBER, 2024

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

1. Present application has been filed invoking the inherent powers of this Court under Section 482 of the Code of Criminal Procedure for quashing the proceedings in R.C.C. No.648 of 2023 pending before the learned Judicial Magistrate First Class, Jalgaon arising out of the First Information Report (for short "the FIR") vide Crime No.157 of 2023 registered with Ramanand Nagar Police Station, Jalgaon on 11th May 2023 for the offence punishable under Sections 498-A, 323, 504, 506 read with Section 34 of the Indian Penal Code.

2. Heard learned Advocate Mr. Daronde along with learned Advocate Mr. Sathe for the applicants, learned APP Mr. Dayama, for Respondent No.1 and learned Advocate Mr. Yawalkar for Respondent No.2. In order to cut short, it can be stated that the learned Advocates for respective parties have argued in support of their contentions.

3. It will not be out of place to mention here itself that after

hearing the learned Advocate for the applicants when disinclination is shown to grant any relief to applicant No.1, upon instructions, learned Advocate seeks withdrawal of the application as against applicant No.1.

4. Matter proceeded and heard for the reliefs claimed by applicant Nos.2 to 4. It is not in dispute that respondent No.2 wife got married to applicant No.1 husband on 18th March 2017. Applicant Nos.2 and 3 are the parents-in-law and applicant No.4 is brother-in-law of respondent No.2. At the time of marriage applicant No.1 was serving in private company at Mumbai and the matrimonial home of respondent No.2 is at Nagpur. Applicant No.1 and respondent No.2 have a son by name Shlok.

5. Perusal of the FIR would show that main allegations are against applicant No.1. As regards other applicants are concerned, it has been stated that when applicant No.1 went to resume his duties at Mumbai after the marriage, he had not taken respondent No.2 along with him. But then at that time she was residing with applicant Nos.2 to 4. It is then stated that they were not allowing her to speak with husband and when ever he used to come to Nagpur, they were not allowing her to meet him properly. It was on account of the allegation that proper honour

was not given to them at the time of marriage. If we consider the other material in the charge-sheet, then we could find that there is a complaint application which appears to have been entertained by the women's grievance redressal forum wherein some different story is forthcoming. Further, in her complaint application under the Protection of Women from Domestic Violence Act, respondent No.2 has stated that after about four months of the marriage, applicant No.1 had taken a flat in Mumbai on rent and took the informant as well as parents to stay at Mumbai and then she says that applicant No.1 used to say that since it is a first year of the marriage the celebration of the festivals should be at Nagpur. Since January 2018, respondent No.2 was then again left at Nagpur with in-laws. She then says that in the meantime she became pregnant. So these contentions are contrary to her contents of the FIR. In one of the application, she says that there were two abortions earlier which appear to be natural abortions though she had tried to state that as she was asked to do more work, it resulted in miscarriage. She has also stated in her complaint application that applicant No.3 was diagnosed with cancer in June 2019. Applicant No.3 underwent operation and also the chemotherapy, wherein informant says that she looked after the mother-in-law

and at that time the husband had looked after the informant well. But then she takes the somersault and says that after there was an improvement in the health of mother-in-law, again she was subjected to cruelty.

6. These facts would show that though there was dispute between the informant and her husband, she has tried to rope in the parents-in-law as well as brother-in-law. According to her, the husband had demanded an amount of Rs.10,00,000/- to be brought from her parents when she told him that she should be taken to Mumbai along with him. Therefore, it is also contrary, when in one another complaint application she says that the husband had taken flat on rent in Mumbai and taken her for residence. In fact there is absolutely no specific role attributed to applicant No.4 i.e. brother-in-law. Time and again only words are used that these accused persons have ill-treated or harassed her but the incidents have not been quoted or the details of the ill-treatment have not been given as against applicant Nos.2 to 4 and therefore, it would be unjust to ask these applicants to face the trial with this kind of evidence. Definitely, case is made out for exercise of powers under Section 482 of the Code of Criminal Procedure in favour of applicant Nos.2 to 4. Hence the following order:-

ORDER

(I) The Application stands partly allowed.

(II) The Application as against applicant No.1 - Swapnil S/o Siddharth Katkar stands dismissed as withdrawn.

(III) Application as against applicant Nos. 2 to 4 stands allowed.

(IV) The proceedings in R.C.C. No.648 of 2023 pending before the learned Judicial Magistrate First Class, Jalgaon arising out of the First Information Report vide Crime No.157 of 2023 registered with Ramanand Nagar Police Station, Jalgaon on 11th May 2023 for the offence punishable under Sections 498-A, 323, 504, 506 read with Section 34 of the Indian Penal Code, stands quashed and set aside as against applicant Nos.2 to 4. i.e. - 2) Mr. Siddharth S/o Shriram Katkar, 3) Mrs. Sadhana W/o Siddharth Katkar and 4) Mr. Ram S/o Siddharth Katkar.

**[R.W. JOSHI]
JUDGE**

**[SMT. VIBHA KANKANWADI]
JUDGE**

asb/NOV24