



IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

CRIMINAL APPLICATION NO.813 OF 2023

- 1) Ramkrishna Ravindra Patil,
(Husband of Informant),
Age-33 years Occu:Nil,
R/o-Holpimpri, Ratnapimpri,
Taluka-Parola, District-Jalgaon,
- 2) Ravindra Rambhau Patil,
(Father-in-law of Informant),
Age-57 years Occu:Agri.,
R/o-Holpimpri, Ratnapimpri,
Taluka-Parola, District-Jalgaon,
- 3) Mangalbai @ Mangal Ravindra Patil,
(Mother-in-law of Informant),
Age-67 years Occu:Household,
R/o-Holpimpri, Ratnapimpri,
Taluka-Parola, District-Jalgaon,
- 4) Balasaheb Ravindra Patil,
(Brother-in-law of Informant),
Age-30 years Occu:Education,
R/o-As Above,
At present: Shivajinagar Gaothan,
Mokha House, Near Neeta Chambers,
Pune,
- 5) Pratibha Vijay Patil,
(Pratibha Vijay Wankhede in F.I.R.)
(Sister-in-law of Informant),
Age-36 years Occu:Household,
R/o-Lon, Taluka-Amalner, District-Jalgaon,
- 6) Vijay Nana Patil,
(Vijay Wankhede in F.I.R.)
(Husband of sister-in-law of Informant),
Age-40 years Occu:Agri.,
R/o-Lon, Taluka-Amalner, District-Jalgaon,

...APPLICANTS

VERSUS

- 1) The State of Maharashtra,
Through In-charge Police Officer,
Chopda Gramin Police Station,
Chopda, Taluka-Chopda,
District-Jalgaon,
- 2) Nitisha Ramkrishna Patil,
Age-30 years, Occu:Household,
R/o-Divan Divadi, Fakirwadi,
Taluka and District-Aurangabad.

...RESPONDENTS

...
Mr. Jitendra V. Patil Advocate for Applicants.
Dr. Kalpalata Patil-Bharaswadkar, A.P.P. for Respondent No.1.
Mr. R.J. Godbole Advocate for Respondent No.2.
...

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

DATE : 22nd AUGUST, 2024

ORDER [PER SMT. VIBHA KANKANWADI, J] :

1. Present Application has been filed under Section 482 of the Code of Criminal Procedure for quashing the First Information Report (for short "the FIR") vide Crime No. 30 of 2023 registered with Kranti Chowk Police Station, Aurangabad, and by way of amendment for quashing and setting aside the proceedings in R.C.C. No.1285 of 2023 pending before the learned Chief Judicial Magistrate, Aurangabad, for the offence punishable under Section 498-A, 323, 294, 504, 506 read with Section 34 of the Indian Penal Code.

2. Heard learned Advocate Mr. Patil for applicants, learned APP Dr. Kalpalata Patil-Bharaswadkar for respondent No.1 and learned Advocate Mr. Godbole for respondent No.2.

3. It will not be out of place to mention here that after disinclination is shown to grant any relief to applicant Nos.1 to 3, learned Advocate for the applicants sought withdrawal of the application as against applicant Nos. 1 to 3. Hence the application stands dismissed as withdrawn as against applicant Nos. 1 to 3.

4. The Application is considered for the reliefs claimed by applicant Nos. 4 to 6. Applicant No.4 is the brother-in-law and applicant No.5 is the sister-in-law of respondent No.2-informant. Applicant No.6 is the husband of applicant No.5. Applicant Nos. 5 and 6 are admittedly residing at Lon, Taluka-Amalner, District-Jalgaon. Sister-in-law is married and the marriage between applicant Nos.5 and 6 was much prior to the marriage between applicant No.1 and respondent No.2. Applicant No.4 is taking education and states that he is residing at Shivajinagar, Pune.

5. Perusal of the FIR would show that the marriage between

applicant No.1 and respondent No.2 took place on 19th December 2021. She says that about a year she was treated properly. In the entire FIR she does not say that why the married sister-in-law and her husband were residing in the house of applicant Nos.1 to 3. She states about demand of amount for purchase of four wheeler vehicle and the harassment on the count that the flat in the name of her mother at Pune should be given to her husband i.e. applicant No.1. Though she has stated that applicant No.5 has stated that as respondent No.2 is not transferring flat in the name of her brother i.e. applicant No.1, respondent No.2 should be driven out of the house, as aforesaid, it is not stated that why applicant No.5 was residing with applicant Nos. 1 to 3 and when the alleged statement was made. Whether it was personally made or was on phone, is not clear. It is then stated that applicant Nos.4 to 6 used to raise suspicion over her character and used to abuse her. As aforesaid, when the husband and his parents were allegedly doing these activities, then why they should be supported by applicant Nos.4 to 6, is a question. The omnibus allegations appears to be made just to rope every relative of the husband. The statement of father of respondent No.2 would show that he had entered into rent agreement with applicant Nos.1 and 2. Brother of respondent No.2 also says the same thing. That means if there was a rent

agreement, there was no question of insistence for making the flat in the name of applicant No.1 and therefore, as aforesaid, it appears that applicant Nos.4 to 6 appears to have been roped in. It would be unjust to ask them to face the trial. The case squarely falls within the parameters laid down in ***State of Haryana vs. Ch. Bhajan Lal and others, AIR 1992 SC 604.*** Therefore, we proceed to pass the following order:-

ORDER

(I) The Application stands partly allowed.

(II) The Application stands dismissed as withdrawn as against applicant No.1 - Ramkrishna Ravindra Patil, applicant No.2 - Ravindra Rambhau Patil and applicant No.3 - Mangalbai @ Mangal Ravindra Patil.

(III) Application stands allowed in respect of applicant No. 4 - Balasaheb Ravindra Patil, applicant No.5 - Pratibha Vijay Patil and applicant No.6 - Vijay Nana Patil.

(IV) The First Information Report vide Crime No. 30 of 2023 registered with Kranti Chowk Police Station, Aurangabad, and the proceedings in R.C.C. No.1285 of 2023 pending before the

learned Chief Judicial Magistrate, Aurangabad, for the offence punishable under Section 498-A, 323, 294, 504, 506 read with Section 34 of the Indian Penal Code, stands quashed and set aside as against applicant Nos. 4 to 6.

[S.G. CHAPALGAONKAR]
JUDGE

[SMT. VIBHA KANKANWADI]
JUDGE

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