



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

917 CRIMINAL APPLICATION NO. 831 OF 2023

1. Akshay Atmaram Gangarde (disposed off as withdrawn)
age 30 yrs, Occ. Business.
2. Atmaram Prabhu Gangarde,
age 56 yrs, Occ. Service.
3. Aparna Atmaram Gangarde,
age 53 yrs, Occ. Service.
4. Aditi Atmaram Gangarde, (Allowed.)
age 33 yrs, Occ. Student,
All R/o Flat No.401, Building no.11,
Nilkanth Park, Wayale Nagar,
Near Rita Memorial School
Kalyan (W), Kalyan, Thane. Applicants.

Versus

1. The State Of Maharashtra
2. Ankita Akshay Gangarde,
age 25 yrs, Occ. Household,
R/o C/o. Annasaheb Rambhau Mhaske,
H.No.6, Sankalp, Saras Nagar,
Ahmednagar,
Tq. & Dist. Ahmednagar. Respondents.
(Resp no.2 orig complainant.)

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Advocate for Applicant : Mr. R K Temkar
APP for Respondents: Mr. A M Phule
Advocate for Respondent no.2 : Mr. N B Narwade

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

Dated : September 06, 2024

ORDER :-

1. Present application has been filed for quashing the
FIR vide Cr. No.403 of 2022 and by way of amendment, the

proceeding i.e. RCC No.424 of 2023 pending before the learned 5th Additional Chief Judicial Magistrate, Ahmednagar for the offence punishable under sections 498-A, 323, 504, 506, r/w 34 of the Indian Penal Code.

2. Before we proceed, a fact is to be placed on record that present application came to be withdrawn in respect of applicant no.1 – Akshay Atmaram Gangarde (husband) under the orders of this Court on 14.3.2023. Thereafter, as regards to applicant no.4-Aditi Atmaram Gangarde is concerned, the application stood allowed (Coram : R.G.Avachat And Sanjay A. Deshmukh, JJ.) by order dated 31.8.2023. Therefore, now the application is required to be considered in respect of reliefs claimed by applicant nos.2 and 3, who are the parents-in-law of the respondent no.2.

3. Heard learned advocates appearing for the respective parties.

4. Perusal of the FIR would show that present applicant nos.2 and 3 were residing with applicant no.1 and respondent no.2 and respondent no.2 states that she was treated properly for about a month and thereafter all accused persons started abusing, threatening, giving her physical and mental harassment. However, she has not explained it further. Specific acts are not attributed and everything cannot be in chores. She then states that her husband, in-laws and sister-in-law told her that they want to purchase a flat at Kalyan and therefore, an amount of Rs.15 Lakh was demanded. She told inabilities of her parents to give the amount and thereupon it is

her contention that all accused got annoyed and started abusing, threatening, giving mental and physical harassment, kept her starved. These allegations are, in fact, vague and omnibus. She also states that there was meeting which was not fruitful for resolving the dispute. She then states that her father transferred amount of Rs.1 Lakh. Date of transfer of the amount is not given in the FIR. Father of respondent no.2's statement appears to have not been recorded. Her mother, brother and uncles statement is recorded. They have also not given date of transfer of amount by father of respondent no.2 and it also appears that document in respect of such transfer is not produced. There is a document regarding transfer of amount of Rs.96,000/- on 25.8.2021 but it is by respondent no.2 in name of applicant no.1. According to the applicants, thereafter a Fixed Deposit was taken after the said transfer in the name of applicant no.1. As aforesaid, evidence is not in respect of transfer of money by the father, but it is in respect of respondent no.2, when respondent no.2 in her FIR is silent about it. Therefore, on the basis of the contents of the FIR as well as material collected, we are of the opinion that it would be unjust to ask applicant nos.2 and 3 to face the trial. Case is squarely covered under the parameters of **State of Haryana and others Vs. Ch. Bhajan Lal and another reported in AIR 1992 SC 604** and, therefore, the application stands allowed in terms of prayer clause "**B**". Criminal application stands disposed off.

(S. G. CHAPALGAONKAR, J.) (SMT. VIBHA KANKANWADI, J.)

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