



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

985 CRIMINAL APPLICATION NO.1125 OF 2023

1 Anil Ashruba Kamble,
Age 50 yrs., Occ. Service,

2 Manik Ashruba Kamble,
Age 48 yrs., Occ. Service,

Both are r/o Chakradharnagar,
Pangri Road, Beed, Tq. & Dist. Beed.

... Applicants

... Versus ...

1 The State of Maharashtra
Through Kaij Police Station,
Tq. & Dist. Beed.

2 Priyanka w/o Rakesh Kamble,
Age 21 yrs., Occ. Household,
R/o Pimpalgaon, Tq. Kaij,
Dist. Beed.

... Respondents

...

Mrs. Sanghmitra Wadmare, Advocate for applicants

Mr. A.M. Phule, APP for respondent No.1

Mr. A.R. Gaikwad, Advocate for respondent No.2

...

CORAM : SMT. VIBHA KANKANWADI &
SHAILESH P. BRAHME, JJ.

DATE : 16th AUGUST, 2024

ORDER :

1 Present application has been filed for quashment of the First Information Report vide Crime No.546/2022 dated 28.11.2022 and the Charge Sheet bearing No.32/2023 i.e. Regular Criminal Case No.48/2023 filed before learned Judicial Magistrate First Class, Kaij, Dist. Beed, for the offence punishable under Sections 498-A, 323, 504 read with Section 34 of the Indian Penal Code, 1860.

2 Heard learned Advocate Mrs. Sanghmitra Wadmare for applicants, learned APP Mr. A.M. Phule for respondent No.1 and learned Advocate Mr. A.R. Gaikwad for respondent No.2. In order to cut short, it can be said that all of them have made submissions supporting their respective contentions.

3 Respondent No.2 has lodged the said First Information Report and perusal of the First Information Report would show that main allegations are against husband and his parents. Present applicants are cousin fathers-in-law i.e. uncles of husband of respondent No.2. Allegations against applicants are omnibus and general in nature stating that they were also together with the husband and in-laws of respondent No.2 and were harassing and treating respondent No.2 with cruelty. Statements of witnesses, who are mainly

relatives of respondent No.2, are also on same line. Basically, those statements are copy paste. No specific and overt act is attributed to the applicants and, therefore, we take this case as fit case where we should exercise our inherent powers under Section 482 of the Code of Criminal Procedure; in other words, the present case squarely comes under the principles laid down in **State of Haryana and others vs. Ch. Bhajan Lal and others, AIR 1992 SC 604** . Hence, following order.

ORDER

1 Criminal Application stands allowed.

2 First Information Report vide Crime No.546/2022 dated 28.11.2022 registered with Kaij Police Station, Tq. Kaij, Dist. Beed and proceedings in Regular Criminal Case No.48 of 2023 pending before learned Judicial Magistrate First Class, Kaij, Dist. Beed, for the offence punishable under Section Sections 498-A, 323, 504 read with Section 34 of the Indian Penal Code, 1860 stand quashed and set aside as against present applicants.

3 We clarify that the matter may proceed against other accused persons.

(SHAILESH P. BRAHME, J.)

(SMT. VIBHA KANKANWADI, J.)

agd