



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO.1891 OF 2024

- | | | |
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| 1. | Vasundhara w/o Bharat Ranjanikar | |
| 2. | Anuradha w/o Dilip Bhatlondhe | .. Applicants |

Versus

- | | | |
|----|---|----------------|
| 1. | The State of Maharashtra
Through P.S. Bhagya Nagar,
Nanded. | |
| 2. | Maya w/o Abhishek Rasal | .. Respondents |

...

WITH

CRIMINAL APPLICATION NO.1906 OF 2024

- | | | |
|----|---------------------------|---------------|
| 1. | Aarti w/o Pankaj Bhalerao | |
| 2. | Pankaj Padmakar Bhalerao | .. Applicants |

Versus

- | | | |
|----|---|----------------|
| 1. | The State of Maharashtra
Through P.S. Bhagya Nagar,
Nanded. | |
| 2. | Maya w/o Abhishek Rasal | .. Respondents |

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Mr. Sagar S. Varma, Advocate for the applicants.
Mr. A. R. Kale, APP for respondent No.1/State.
Ms. Asha N. Gore, Advocate for respondent No.2.

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**CORAM : SMT. VIBHA KANKANWADI &
ROHIT W. JOSHI, JJ.**

DATE : 11 NOVEMBER 2024

ORDER :

. Leave to amend. Amendment to be carried out immediately.

2. The applicants in both the applications seek initially the quashment of FIR bearing Crime No.143 of 2024 registered with Bhagyanagar Police Station, District Nanded and by way of amendment, the proceedings in R.C.C. No.788 of 2024 pending with learned Judicial Magistrate First Class, Nanded for the offences punishable under Sections 498-A, 323, 504, 506 read with Section 34 of Indian Penal Code. The applicants in Criminal Application No.1891 of 2024 are the maternal aunts of the husband of respondent No.1 and the applicants in Criminal Application No.1906 of 2024 are the married sister-in-law and brother-in-law of respondent No.2.

3. It is not in dispute that respondent No.2 got married to Abhishek Avinash Rasal on 24.12.2020. Unfortunately he expired on 05.08.2023 (as per the FIR on 05.10.2023). They have daughter of two and half year old and the informant/respondent No.2 is partially blind. It is also not in dispute that the applicants are residents of Aurangabad, Latur and Pune respectively.

4. Heard learned Advocate Mr. Sagar S. Varma for the applicants in both the applications, learned APP Mr. A. R. Kale for respondent No.1/State in both the applications and learned

Advocate Ms. A. N. Gore for respondent No.2 in both the applications.

5. Perusal of the FIR would show that immediately after the marriage, respondent No.2 started cohabitation with her husband at Nanded. The parents-in-law were with them and till the death of husband, the relationship appears to be cordial. However, after the death of the husband of the informant it is stated that the relationship strained and all the accused persons started saying that the informant should not reside with them. She should go to her parental home and on that count, she was mentally and physically harassed. As regards applicants are concerned, it is stated that they were instigating parents-in-law for harassment. The informant had then called her mother and sisters on 27.11.2023 around 5.00 p.m. It is stated that she was driven out of the house stating that she should give amount of Rs.5,00,000/-, then only she will be allowed to stay in the matrimonial home. She was given threat to kill and, therefore, she went to police station and lodged the report.

6. Perusal of the contents of the charge-sheet would show that there is statement of the mother and sisters of respondent No.2

as well as statement of one neighbour. However, those statements are cyclostyle, typically identical and failed to assign a specific role to the present applicants. When they are ordinarily resident of different places, unless they come together, the alleged acts of subjecting the informant to cruelty are not possible. The FIR as well as the statements lack, when these applicants had gone to the matrimonial home of the informant. It is not even the say of those persons that they were present on 27.11.2023. The investigating officer has not collected the call records so as to support the alleged statement that these persons were instigating the parents-in-law on phone. Therefore, the present case certainly comes under the parameters laid down in ***State of Haryana and others Vs. Ch. Bhajanlal and others, [AIR 1992 SC 604]***. It would be unjust to the applicants to face the trial and, therefore, the application deserves to be allowed. Hence, the following order :-

ORDER

- I) Both the Criminal Applications stand allowed.
- II) The FIR bearing Crime No.143 of 2024 registered with Bhagyanagar Police Station, District Nanded and the proceedings in R.C.C. No.788 of 2024 pending with learned

Judicial Magistrate First Class, Nanded for the offences punishable under Sections 498-A, 323, 504, 506 read with Section 34 of Indian Penal Code, stand quashed and set aside as against the applicants in Criminal Application No.1891 of 2024 i.e. (i) Vasundhara w/o Bharat Ranjanikar and (ii) Anuradha w/o Dilip Bhatlondhe and the applicants in Criminal Application No.1906 of 2024 i.e. (i) Aarti w/o Pankaj Bhalerao and (ii) Pankaj Padmakar Bhalerao.

[ROHIT W. JOSHI]
JUDGE

[SMT. VIBHA KANKANWADI]
JUDGE

scm