



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

949 CRIMINAL APPLICATION NO.1852 OF 2022

- 1 Rajesh @ Raj Nagraj Patil,
Age 38 yrs., Occ. Driver,
R/o B-6, Krushna Kamal Complex,
Uttamnagar, CIDCO, Nashik.
- 2 Vimalbai w/o Nagraj Patil,
Age 71 yrs., Occ. Household,
R/o At Post Kanchanpur, Walkheda,
Tq. Shindkhede, Dist. Dhule.
- 3 Nagraj Govinda Patil,
Age 76 yrs., Occ. Nil,
R/o At Post Kanchanpur, Walkheda,
Tq. Shindkhede, Dist. Dhule.
- 4 Vishal Nagraj Patil,
Age 36 yrs., Occ. Agri.,
R/o At Post Kanchanpur, Walkheda,
Tq. Shindkhede, Dist. Dhule.

... Applicants

... **Versus** ...

- 1 The State of Maharashtra
Through Police Inspector,
Jalgaon Taluka Police Station,
Jalgaon.
- 2 Mohini w/o Rajesh @ Raj Patil,
Age 34 yrs., Occ. Household,
C/o Sahebrao Shnde,
Post – Mampurabad, Shindewada,
Tq. & Dist. Jalgaon.

... Respondents

...

Mr. N.N. Jagdale, Advocate for applicants

Mr. M.K. Goyanka, APP for respondent No.1

Mr. A.I. Deshmukh, Advocate for respondent No.2

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

DATE : 03rd SEPTEMBER, 2024

ORDER :

1 Present application has been filed under Section 482 of the Code of Criminal Procedure, 1973 for quashing First Information Report vide Crime No.144/2022 and by way of amendment charge sheet i.e. proceedings bearing Regular Criminal Case No.613/2022 pending before learned Judicial Magistrate First Class, Jalgaon (Court No.6), for the offence punishable under Section 498-A, 323, 504, 506 read with Section 34 of the Indian Penal Code, 1860. In the beginning learned Advocate for applicants submits a photo copy of the death certificate of applicant No.2. It states that she expired on 02.09.2023. Under the said circumstance, proceedings stood abated against respondent No.2 Vimalbai w/o Nagraj Patil.

2 Heard learned Advocate Mr. N.N. Jagdale for applicants, learned

APP Mr. M.K. Goyanka for respondent No.1 and learned Advocate Mr. A.I. Deshmukh for respondent No.2.

3 The only point without going into further merits, that is, required to be considered from First Information Report is that marriage between applicant No.1 and respondent No.2 is stated to have taken place on 03.05.2008. She makes allegations about alleged harassment but says that she was driven out of the house by applicants on 21.08.2016. She says that since then she is residing with her parents. She also says that she was hoping for better treatment and, therefore, had not lodged any report. She went to Mahila Dakshata Samiti in office of Superintendent of Police, Jalgaon on 10.03.2022 and made an application. As there was no response from applicants then she has lodged report on 26.05.2022. While taking the First Information Report even prosecution says that offence was committed between 15.04.2010 to 21.08.2016. She also says that since last six years i.e. prior to First Information Report she is residing with her parents. There are no averments that there were any act of ill-treatment in between those days. Section 468 of the Code of Criminal Procedure deals with limitation. It says that no Court shall take cognizance of an offence of the category specified in sub-section (2), after the expiry of the period of limitation and three years is said to be the period of limitation if the offence is punishable with

imprisonment for a term exceeding one year but not exceeding three years. As regards Section 498-A of the Indian Penal Code the punishment that can be awarded for a term which may extend to three years. Therefore, in this case, the First Information Report has been filed beyond the period of limitation, of which then cognizance could not have been taken. Further, it is not the case of the prosecution that any application has been filed for condonation of delay. Under such circumstance, it would be a futile exercise to ask applicants to face the trial. Therefore, this is a fit case where we can exercise our inherent powers for quashing the First Information Report and the proceedings. Hence, following order.

ORDER

- 1 Criminal Application stands allowed.
- 2 First Information Report and proceedings stands abated against applicant No.2 Vimlabai w/o Nagraj Patil.
- 3 First Information Report vide Crime No.144/2022 registered with Jalgaon Taluka Police Station, Jalgaon and proceedings in Regular Criminal Case No.613/2022 pending before learned Judicial Magistrate First Class, Jalgaon (Court No.6), for the offence punishable under Sections 498-A,

323, 504, 506 read with Section 34 of the Indian Penal Code, stand quashed and set aside against applicant Nos.1, 3 and 4.

(S.G. CHAPALGAONKAR, J.)

(SMT. VIBHA KANKANWADI, J.)

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