



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CRIMINAL APPLICATION NO. 1944 OF 2023

1. Rajan Ravindrakumar Jadhav
2. Anjali Ravindrakumar Jadhav
3. Rajshree Sagar SalunkeApplicants

Versus

1. The State of Maharashtra
2. Nishigandha W/o. Rajan Jadhav @
Nishigandha D/o. Parshuram ShindeRespondents

....

Advocate for Applicant : Mr. Nileshsingh J. Patil
APP for Respondent No. 1 : Mr. K.N. Lokhande
Advocate for Respondent No. 2 : Mr. H.V. Tungar

...

**CORAM : MANGESH S. PATIL &
SHAILESH P. BRAHME, JJ.**

DATE : 11 MARCH 2024

FINAL ORDER (PER : SHAILESH P. BRAHME, J.) :

1. Heard both the sides finally at the admission stage.
2. Applicants are seeking quashment of FIR No. 123 of 2023 registered with Police Station Kotwali, District Parbhani, for the offences punishable under Sections 498-A, 323, 504, 506 read with 34 of the Indian Penal Code as well as consequential charge-sheet no. 71 of 2023

and RCC No. 419 of 2023 pending before Judicial Magistrate First Class, Parbhani.

3. Learned counsel for the applicants seeks permission to withdraw application to the extent of applicant nos. 1 and 2, when we express our disinclination to grant any relief. Application to their extent stands withdrawn. Now, we are merely to consider application to the extent of applicant no. 3 who is sister-in-law of informant – respondent no. 2.

4. FIR under challenge was lodged at the instance of respondent no. 2. It is alleged that her marriage with the applicant no. 1 was solemnized on 15.07.2021. After marriage, she resided with the applicants at Pune. Applicant no. 3 was resident of Mumbai and used to visit them. It is alleged that on 19.09.2021 informant was abused and assaulted by husband. The applicant no. 3 is alleged to have abetted ill-treatment. A demand of Rs. 25 Lakhs was made from father of the informant for starting a clinic at Pune. As the father of the informant was unable to satisfy the demand, informant was driven out of home on 01.02.2022. Informant suffered miscarriage due to ill-treatment.

5. Learned counsel for the applicants submits that no specific role is attributed to applicant no. 3. She being resident of Mumbai had no

reason to come to Pune to cause ill-treatment to the informant. The relationship between the informant and her husband was strained and, therefore, applicant no. 3 has been falsely implicated in the offence. The allegations are improbable. It is submitted that no case is made to proceed against applicant no. 3.

6. Learned APP repels the submissions of the applicants. It is submitted that applicant nos. 2 and 3 used to abet ill-treatment. First Information Report and the statements recorded during the course of investigation indicate complicity of the applicant no.3. Learned counsel for respondent no. 2 submits that the couple was residing with other applicants. It is further contended that though applicant no. 3 is shown to have been resident of Mumbai, she was actually residing at Pune in the vicinity and was instigating the husband. It is further submitted that informant was required to approach grievance cell on 12.04.2023 before lodging FIR.

7. We have considered rival submissions of the parties. We have gone through the relevant record. Applicant no. 3 is resident of Mumbai. Informant and applicant no. 1 – husband are medical practitioners. Careful perusal of FIR shows that specific role has been attributed against applicant nos. 1 and 2. Allegations against the applicant no. 3 are omnibus and vague.

8. It reveals from record that applicant no. 1 husband filed petition for dissolution of marriage in the Family Court at Pune, bearing Petition No. A- 87 of 2023. FIR was filed on 11.05.2023, which refers to receiving of copy of petition through Whats-app on 27.02.2023. The respondent no.2 appears to have approached Women's Grievance Cell on 12.04.2023. In all probabilities, the impugned FIR is filed against the applicant no. 3 due to the strained relationship with husband.

9. We have considered the supplementary statement of the informant and statements of witnesses who are mother, father, sister and maternal aunt of respondent no. 2. These witnesses are stating on the basis of information received from the informant. Their statements are in the line of version of informant.

10. There is no material on record that applicant no. 3 had any occasion to stay with the informant and her husband to cause any ill-treatment. Considering over all circumstances, the possibility of false implication of applicant no. 3 cannot be ruled out. In view of the ratio laid down by Supreme Court in the matter of *Geeta Mehrotra and others Versus State of Uttar Pradesh and others*, (2012) 10 SCC 741 and *Kahkashan Kausar Versus State of Bihar*, (2022) 6 SCC 599, we are of the considered view that applicant no. 3 has been falsely implicated in the offence. No, *prima facie*, case is made out against her.

11. For the reasons stated above, application is allowed to the extent of applicant no. 3. FIR No. 123 of 2023 registered with Police Station Kotwali, District Parbhani, for the offences punishable under Sections 498-A, 323, 504, 506 read with 34 of the Indian Penal Code as well as consequential charge-sheet no. 71 of 2023 and RCC No. 419 of 2023 pending before Judicial Magistrate First Class, Parbhani, are quashed and set aside to the extent of applicant no. 3.

[SHAILESH P. BRAHME, J.]

[MANGESH S. PATIL, J.]