



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

949 CRIMINAL APPLICATION NO.2062 OF 2023

1 Pushpajeet Gopal Sonawane,
Age 31 yrs., Occ. Labour,
(**withdrawn vide order dated 11.07.2023**)

2 Aasha w/o Gopal Sonawane,
Age 60 yrs., Occ. Retired,

3 Gopal Lahu Sonawane,
Age 68 yrs., Occ. Agri.,

Applicant Nos.1 to 3 are r/o Yogiji Nagar,
Savidhan Bangala, Akulkheda,
Tq. Chopda, Dist. Jalgaon.

4 Pradnya w/o Sunil Bavache,
Age 35 yrs., Occ. Service,

5 Sunil Bhagwan Bavache,
Age 40 yrs., Occ. Service,

Applicant Nos.4 and 5 are r/o Pachora,
Tq. Pachora, Dist. Jalgaon.

6 Bhurya Bhagwan Bavache,
Age 38 yrs., Occ. Agri.,
R/o Khadgaon, Tq. Chopda, Dist. Jalgaon.

7 Jamnabai w/o Lahu Sonwane,
Age 86 yrs., Occ. Nil,
R/o Gorgawale, Tq. Chopda, Dist. Jalgaon.

8 Gautam Ratan Shinde,
Age 38 yrs., Occ. Labour,
R/o Chopda, Tq. Chopda,
Dist. Jalgaon.

... Applicants

... **Versus** ...

- 1 The State of Maharashtra
Through Police Sub Inspector,
Shahada Police Station,
Tq. Shahada, Dist. Nandurbar.
- 2 Sukeshini w/o Pushpajeet Sonwane,
C/o Dilip Chintaman Panpatil,
R/o At present Plot No.6,
Gurukul Housing Society, Shahada,
Tq. Shahada, Dist. Nandurbar.

... **Respondents**

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Mr. P.H. Patil, Advocate for applicants

Mrs. Priya R. Bharaswadkar, APP for respondent No.1

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CORAM : SMT. VIBHA KANKANWADI &
ABHAY S. WAGHWASE, JJ.

DATE : 09th AUGUST, 2024

ORDER :

1 Present application has been filed under Section 482 of the Code of Criminal Procedure, 1973 for quashing the First Information Report vide Crime No.249 of 2023 dated 04.05.2023 registered with Shahada Police Station, Dist. Nandurbar and by way of amendment for quashing and setting aside the Charge Sheet No.201/2023 i.e. Regular Criminal Case No.134/2023

filed before learned Judicial Magistrate First Class, Shahada, Dist. Nandurbar, for the offence punishable under Sections 323, 498-A, 504, 506 read with Section 34 of the Indian Penal Code, 1860.

2 Heard learned Advocate Mr. P.H. Patil for applicants and learned APP Mrs. Priya R. Bharaswadkar for respondent No.1. In order to cut short, it can be said that they have argued in support of their respective contentions.

3 Respondent No.2 has come with a case that on 29.05.2016 she got married to original applicant No.1, as against whom the present application has been withdrawn in view of order dated 11.07.2023. On the date of First Information Report, they had a daughter aged 04. According to her, she was treated properly for about a year after the marriage, but thereafter by raising suspicion over her character and on trifle grounds her husband and parents-in-law used to harass her physically and mentally. She says that her sister-in-law, her husband, R/o Pachora used to visit her house sometimes. So also, brother-in-law of her sister-in-law, grandmother-in-law, R/o Gorgawale, Tq. Chopda, cousin brother of husband, R/o Chopda used to instigate her husband and in-laws by saying that her father has not given bullet bike and has not honoured them at the time of marriage. She was not

given medication. Whenever she used to become ill, she used to send to her parents house. Then she was driven out of the house on 13.10.2021.

4 It is to be noted that she says that she was driven out of the house on 13.10.2021; yet, she has lodged the First Information Report on 04.05.2023. She has not given any reason as to why she had not tried to lodge the report prior to that. It appears that she has approached learned Magistrate under Domestic Violence Act in February, 2023, but had not lodged the First Information Report. Even in her affidavit-in-reply, she has not given any explanation for the delay. Statements of her relatives is reiteration of contents of First Information Report. Rather her father says that she was treated properly for about five years. Omnibus allegations have been made as against applicant Nos.2 to 8. Specific act amounting to physical or mental harassment is not stated, which she has tried to give it in detail in her application under Section 12 of the Domestic Violence Act. Therefore, on the basis of First Information Report and contents of charge sheet it would be unjust to ask applicant Nos.2 to 8 to face the trial. Hence, following order.

ORDER

1 Criminal Application stands allowed.

2 First Information Report vide Crime No.249/2023 dated 04.05.2023 registered with Shahada Police Station, Dist. Nandurbar and Charge Sheet No.201/2023 i.e. Regular Criminal Case No.134 of 2023 pending before learned Judicial Magistrate First Class, Shahada, Dist. Nandurbar, for the offence punishable under Section Sections 323, 498-A, 504, 506 read with Section 34 of the Indian Penal Code, 1860 stand quashed and set aside as against applicant Nos.2 to 8.

(ABHAY S. WAGHWASE, J.)

(SMT. VIBHA KANKANWADI, J.)

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