



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

CRIMINAL APPLICATION NO. 2083 OF 2023

1. Sham S/o. Bibhishan Padwal
2. Shashikala Bibhishan Padwal
3. Ramanand Bibhishan Padwal
4. Manjushree Ramanand PadwalApplicants

Versus

1. The State of Maharashtra
2. Madhuri Sham PadwalRespondents

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Advocate for Applicants : Mr. Abhijit S. More

APP for Respondent No. 1 : Mrs. V.N. Patil-Jadhav

Advocate for Respondent No. 2 : Mr. H.B. Nandagavale

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

DATE : 14 MARCH 2024

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

1. Heard learned counsel for both the sides.
2. Application to the extent of applicant no. 1 has already been withdrawn. When we express our disinclination to grant any relief, application to the extent of applicant no. 2 is also sought to be

withdrawn. Application stands withdrawn to her extent also. We are considering application merely to the extent of applicant nos. 3 and 4.

3. Applicants are seeking quashment of First Information Report bearing C.R. No. 193 of 2023 of Gandhi Chowk Police Station, Latur, for the offences under Sections 498-A, 323, 504, 34 of the Indian Penal Code, and consequential Charge-sheet No. 22 of 2023.

4. It is alleged by respondent no. 2 that her marriage was solemnized on 24.04.2021 with applicant no. 1 – Sham. After 4-5 months, she started facing ill-treatment by all accused persons. Applicant no. 3 is brother-in-law and applicant no. 4 is his wife. She was asked to bring Rs. 2 Lakh from her parents for business. She was subjected to torture for bringing money. Finally, she was driven out of matrimonial home.

5. Learned counsel for the applicants submits that applicant nos. 3 and 4 are residents of Latur and never shared home with the couple. Allegations against them are vague. It is further submitted that there is no incriminating material against them in the charge-sheet. It would be abuse of process of law to prosecute them.

6. Learned APP and learned counsel for respondent no. 2 oppose the submissions of the applicant. They would submit that there

are specific allegations against the applicants in FIR and the statements of the witnesses.

7. We have considered rival submissions of the parties. Learned counsel for the applicants would point out that applicant no.3 is a Junior Clerk in MSCDCL posted at Latur. Applicant no. 4 is residing with him at Latur. Applicant no. 3's name has been deleted from the ration card. The record reveals that after marriage informant resided with accused husband at Osmanabad. There is no material to show that applicants shared common residence. It is rightly submitted by the learned counsel of the applicants that there was no occasion to cause any ill-treatment to the informant.

8. We have considered FIR and the statements of parents, brother and uncle of the informant. No specific role has been attributed to the applicants. Their implication in the offence by the respondent no. 2 is not justified. In view 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 find substance in submissions of the applications.

9. Criminal Application is allowed to the extent of applicant nos. 3 and 4. First Information Report bearing C.R. No. 193 of 2023 of

Gandhi Chowk Police Station, Latur, for the offences under Sections 498-A, 323, 504, 34 of the Indian Penal Code, and consequential Charge-sheet No. 22 of 2023 are quashed and set aside.

[SHAILESH P. BRAHME, J.]

[MANGESH S. PATIL, J.]