



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

933 CRIMINAL APPLICATION NO. 2132 OF 2023

1. MANKAVATI W/O. SUDHAKAR WAGHMODE
2. SUDHAKAR S/O. DNYANDEV WAGHMODE
3. PRATIBHA W/O. KISHOR JADHAV

VERSUS

1. THE STATE OF MAHARASHTRA
2. RESHMA D/O. SANJAY KADAM

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Advocate for Applicants : Mr. B.N. Gadegaonkar
h/f. Mr. Sushant Baburao Choudhari

APP for Respondent No. 1 : Mr. S.A. Gaikwad

Advocate for Respondent No. 2 : Ms. Sayali Tekale Dadpe

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

DATE : 13th DECEMBER, 2024

ORDER :

1. Present application has been filed initially for quashing FIR vide Crime No. 214/2023, dated 28.03.2023, registered with Vivekanand Chowk Police Station, Latur and by way of amendment for quashing the Chargesheet no. 190/2023, bearing RCC No. 1093/2023 now pending before learned JMFC, Latur, for the offences punishable under Sections 498-A, 323, 504, 506 read with 34 of the Indian Penal Code.
2. Heard learned Advocate Mr. Gadegaonkar holding for learned Advocate Mr. Choudhari for the applicants, learned APP Mr. Gaikwad, for respondent no. 1 and learned Advocate Ms. Tekale for respondent no. 2.
3. Since respondent no. 2 was served but failed to appear, learned Advocate Ms. Tekale was appointed to represent her.
4. Perused the chargesheet.

5. After disinclination is shown to grant any relief to applicant nos. 1 and 2, upon instructions, learned Advocate for the applicants, seeks withdrawal of the application as against them.

6. The matter proceeded for the relief claimed on behalf of applicant no. 3.

7. Admittedly, respondent no. 2 got married to one Pratik who is son of present applicant nos. 1 and 2 and brother of applicant no. 3, on 21.06.2021 and it was inter caste marriage. It is also admitted that applicant no. 3 is a married sister-in-law of respondent no. 2 and was residing with her husband at her matrimonial home at Dharur.

8. Perusal of the contents of the FIR and the statements of the witnesses would make it clear that the applicant no. 3 was not permanently residing with the other accused persons. Her casual visits to the house of her parents cannot be termed as acts amounting to cruelty within the meaning of Section 498-A of the IPC. There are no specific allegations invoking the ingredients of Sections 323, 504, 506 of the IPC against applicant no. 3. Since the married sister-in-law has been roped in, we take this to be fit case where we should exercise our powers under Section 482 of the Code of Criminal Procedure. Hence, we pass following order :-

ORDER

- i. The application stands partly allowed.
- ii. Application stands dismissed as withdrawn as against applicant nos. 1 and 2.
- iii. The proceedings herein RCC No. 1093/2023 pending

before learned 9th JMFC, Latur, District Latur and Chargesheet No. 190/2023 arising out of FIR vide Crime No. 214/2023 registered with Vivekanand Chowk Police Station, Latur, for the offences under Sections 498-A, 323, 504, 506 of the IPC, stand quashed and set aside as against applicant no. 3 – Pratibha W/o. Kishor Jadhav.

iv. The fees of the learned Advocate appointed for respondent no. 2 is quantified as Rs. 5,000/- (Rupees five thousand), to be paid by the High Court Legal Services Authority, Bench at Aurangabad.

(ROHIT W. JOSHI, J.)

(SMT. VIBHA KANKANWADI, J.)