



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO.2259 OF 2023

1. Vaijinath Bhagwan Sathe
2. Yashoda Vaijinath Sathe
3. Ashwini Vaijinath Sathe
4. Anil Vaijinath Sathe
5. Atul Vaijinath Sathe

.. Applicants

Versus

1. The State of Maharashtra
Through the Police Station Officer,
Police Station, Shivaji Nagar,
Beed, District Beed.

2. Komal Amol Sathe

.. Respondents

...

Mr. Ashish S. Hazari h/f M r. A. B. Chalak, Advocate for applicants.
Mr. A. M. Phule, APP for respondent No.1/State.
Mr. R. D. Khadap, Advocate for respondent No.2.

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

DATE : 11 NOVEMBER 2024

ORDER :

. Present application has been filed initially for quashment of the FIR vide Crime No.93 of 2023 dated 27.02.2023 registered with Shivajinagar Police Station, District Beed and by way of amendment, for quashing the charge-sheet i.e. the proceedings in R.C.C. No.343 of 2023 pending before the 2nd Joint Civil Judge

Junior Division and Judicial Magistrate First Class, Beed for the offences punishable under Sections 498-A, 494, 323, 504, 506 read with Section 34 of Indian Penal Code.

2. Heard learned Advocate Mr. Ashish S. Hazari holding for learned Advocate Mr. A. B. Chalak for the applicants, learned APP Mr. A. M. Phule for respondent No.1/State and learned Advocate Mr. R. D. Khadap for respondent No.2.

3. Perusal of the FIR and the contents of the charge-sheet would show that the informant got married to original accused No.1 (who is not before this Court in this application) on 25.07.2010. It is said that at the time of marriage, only present applicant No.3, who is the sister-in-law, was present and even after the marriage, for about seven months the informant is residing with her parents and they had not disclosed the fact of marriage to the other applicants. Applicant Nos.1 and 2 are the parents-in-law. Applicant Nos.4 and 5 are the brothers-in-law of the informant. It has been stated that applicant Nos.1 and 2 had not approved the marriage of the informant with their son and therefore they had severed the relationship. The informant and her husband were residing at Aurangabad and only applicant

No.3 used to occasionally visit their house. Thereafter, the first daughter was born to the informant on 22.11.2011 and the informant says that even after coming to Aurangabad, applicant Nos.1 and 2 were not meeting her, but used to meet her husband and daughter outside the house. Thereafter, she has made allegations against the husband stating about the illicit relationship he had developed and then he had also given in writing that he would treat the informant properly. Thereafter the second daughter was born and then the allegations are made that after the second daughter was born, all the applicants started mentally and physically harassing her and demanding that she should bring amount of Rs.5,00,000/- for constructing new house. Again the allegations are against the husband that he had not reported to the house for about five days and when he returned he told that he has performed second marriage. Thereafter, he had assaulted the informant. She took treatment with Ghati Hospital, Aurangabad and lodged the report. She went to her parent's house and even the daughters were with the husband.

4. Taking into consideration these allegations, no specific role is attributed to each one of the applicants. Omnibus allegations

are made which are not supported. It appears that she has tried to play hot and cold at the same time, when she has stated that the applicants had severed relationship with her and then at another breath contending that the applicants were demanding amount for construction of the house. The marriage had taken place in the year 2010, but ultimately the FIR has been lodged in 2023. It is not expected that each and every act of ill treatment should be stated, but at least there should be specific allegations giving details of the alleged cruelty as explained in Section 498-A of Indian Penal Code. Therefore, the statements of the witnesses under Section 161 of the Code of Criminal Procedure are stereotyped and similar to that of the contents of the FIR. With this material, it would be unjust to ask the applicants to face the trial and, therefore, this is a fit case where we should exercise our inherent powers under Section 482 of the Code of Criminal Procedure. Hence, the following order :-

ORDER

- I) Criminal Application stands allowed.
- II) The FIR bearing Crime No.93 of 2023 dated 27.02.2023 registered with Shivajinagar Police Station, District Beed and the proceedings in R.C.C. No.343 of 2023

pending before the 2nd Joint Civil Judge Junior Division and Judicial Magistrate First Class, Beed for the offences punishable under Sections 498-A, 494, 323, 504, 506 read with Section 34 of Indian Penal Code, stand quashed and set aside as against the applicants i.e. (i) Vaijinath Bhagwan Sathe, (ii) Yashoda Vaijinath Sathe, (iii) Ashwini Vaijinath Sathe, (iv) Anil Vaijinath Sathe and (v) Atul Vaijinath Sathe.

[ROHIT W. JOSHI]
JUDGE

[SMT. VIBHA KANKANWADI]
JUDGE

scm