



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

936 CRIMINAL APPLICATION NO. 2317 OF 2023

**SHRAWAN MADHVRAO BANDEWAD AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER**

...

Mr. Umakan Deshmukh, Advocate for the applicants.
Mr. A.D. Wange, A.P.P. for respondent No.1 – State.
Mr. Niraj Chudiwal, Advocate for respondent No. 2.

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**CORAM : SMT. VIBHA KANKANWADI &
SANDIPKUMAR C. MORE,JJ.**

DATED : 30 AUGUST 2024.

ORDER:-

. The present application has been filed under Section 482 of the Code of Criminal Procedure for quashing the F.I.R. vide Crime No. 22/2023 and the proceedings bearing R.C.C. No. 22 of 2023 pending before the learned Judicial Magistrate, First Class, Mukhed, District Nanded for the offences punishable under Sections 498-A, 323, 504 and 506 read with Section 34 of the Indian Penal Code (for short, "I.P.C.").

2. Heard learned Advocate for the applicants, learned A.P.P. for respondent No.1 and learned Advocate Mr. Chudiwal appointed to represent the cause of respondent No.2. Perused the contents of the charge-sheet.

3. After considering the contents, when disinclination was shown to grant any relief to applicant Nos.3 and 4, the learned Advocate for the applicants, on instructions, seeks withdrawal of the application as against applicant Nos.3 and 4.

4. The application was considered for the reliefs claimed by applicant Nos.1 and 2.

5. Perusal of the F.I.R. by respondent No.2 shows that she got married with one Pandurang Madhavrao Bandewad on 26.05.2023. The said Pandurang, who is the original accused No.1, is not before us. Pandurang is serving as a Postman in the Postal Department.

6. It appears that entire prosecution story is divided at two places. Initially for one year at Bamni, which is matrimonial home. At that time the said Pandurang was posted at Nanded, but he used to do up and down. But thereafter 1 ½ year prior to F.I.R. it appears that he was transferred to Mumbai. Then at that place he was residing with the informant and father. Though it is not stated that applicant No. 4 – the mother in law was with them, yet taking into consideration the relationship and previous allegations in respect of the incidents at Bamni, we had shown disinclination. As regards applicant Nos.1 and

2 are concerned, the allegations are about harassment at Bamni which his then as per F.I.R. itself would show that it was for a year after the marriage on 26.05.2019. Therefore, as regards the applicant Nos.1 and 2 are concerned, there is belated allegations. The alleged demand of amount of Rs. 5,00,000/- is by mother-in-law and husband and as regards applicant Nos.1 and 2 is concerned, it is stated that they were insulting her for not begetting any issue. We afraid that it would be in fact a private affair between husband and wife in which the brother-in-law and brother-in-law's wife have least role to play, and therefore, the said act will not amount to an offence under Section 498-A of I.P.C. There are no allegations in respect of offence under Section 324, 504 and 506 read with Section 34 of I.P.C. against the applicants, and therefore, the case is made out for exercising inherent powers of this Court for quashing the F.I.R. and proceedings as against applicant Nos.1 and 2.

7. For the above-said reasons, we proceed to pass the following order.

ORDER

- (i) The application stands partly allowed.
- (ii) The application stands withdrawn as against applicant Nos.3 and 4.

- (iii) The application stands allowed in respect of applicant No.1 Shrawan Madhavrao Bandewad and applicant No. 2 Rupali Shrawan Bandewad.
- (iv) The F.I.R. vide Crime No. 22/2023 dated 20.01.2023 registered at Mukhed Police Station and proceedings bearing R.C.C. No.22/2023 pending before Judicial Magistrate, First Class, Mukhed, District Nanded for the offences punishable under Sections 498-A, 323, 504 and 506 read with Section 34 of I.P.C. stand quashed and set aside as against applicant Nos.1 and 2.
- (v) The fees of learned Advocate appointed to represent respondent No.2 is quantified at Rs. 5,000/- (Rupees Five Thousand), to be paid by High Court Legal Services Authority, Bench at Aurangabad.

(SANDIPKUMAR C. MORE, J.)

(SMT. VIBHA KANKANWADI, J.)