



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO.2770 OF 2022

1. Kripalkour w/o Charansingh Dadedar
2. Harbans Kour Darshan Singh Sandhu
3. Manmeet Kour Harjidasingh Kamthekar
4. Satapalkaur Darshansingh Bungai

.. Applicants

Versus

1. The State of Maharashtra
Through Police Inspector,
Vazirabad Police Station,
Nanded, Tq. And Dist. Nanded.

2. Narindrakaur w/o Harmitsingh Dafedar

.. Respondents

...

Mr. S. S. Gangakhedkar, Advocate for applicants.
Mrs. R. P. Gour, APP for respondent No.1/State.

...

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

DATE : 11 NOVEMBER 2024

ORDER :

. Heard learned Advocate Mr. S. S. Gangakhedkar for the applicants and learned APP Mrs. R. P. Gour for respondent No.1/State.

2. Present application has been filed initially for quashing the FIR vide Crime No.240 of 2022 registered with Vazirabad Police Station, District Nanded and by way of amendment, for quashing

the proceedings in R.C.C. No.130 of 2023 pending before the Chief Judicial Magistrate, Nanded for the offences punishable under Sections 498-A, 323, 504, 506 read with Section 34 of Indian Penal Code.

3. Perusal of the FIR lodged by respondent No.2 would show that she got married to original accused No.2, who is not before this Court, on 05.05.2013. She has two children out of the wedlock. The present applicants are the mother-in-law and the married sisters-in-law of respondent No.2. Though it is accepted that the mother-in-law resides with the husband and the married sisters-in-law are residing in Nanded i.e. in the same city where the respondent has matrimonial home, it is alleged in the FIR that on the instigation of the applicants, the husband, who was addicted to liquor, used to harass the informant and demand amount of Rs.5,00,000/- for opening a garage.

4. Taking into consideration the duration of the marriage, we are unable to get from the FIR as to when the alleged ill treatment had started. Further, the acts of alleged instigation by the present applicants have not been stated i.e. the details of those acts amounting to instigation have not been given. Mere use of

the word 'instigation' will not be sufficient. The other main allegations of the assault and taking in writing from the informant that she would commit suicide is against the husband. The charge-sheet contains almost the same material i.e. in the form of statements of the relatives of the informant. It also appears that the informant had gone missing after 24.05.2022 and according to her it was due to the harassment by the husband. Upon the missing complaint lodged and when she was found, her statement was recorded on 15.07.2022, wherein she has stated that due to the quarrel between herself and husband, who had come under the influence of liquor, there was dispute between them and she left the house. At that time also it appears that she has not made any allegations against the applicants. Under the said circumstance, it would be unjust to ask the applicants to face the trial. Hence, the following order :-

ORDER

- I) Criminal Application stands allowed.
- II) The FIR bearing Crime No.240 of 2022 registered with Vazirabad Police Station, District Nanded and the proceedings in R.C.C. No.130 of 2023 pending before the Chief Judicial Magistrate, Nanded for the offences

punishable under Sections 498-A, 323, 504, 506 read with Section 34 of Indian Penal Code, stand quashed and set aside as against the applicants i.e. (i) Kripalkour w/o Charansingh Dadedar, (ii) Harbans Kour Darshan Singh Sandhu, (iii) Manmeet Kour Harjidasingh Kamthekar and (iv) Satapalkaur Darshansingh Bungai.

[ROHIT W. JOSHI]
JUDGE

[SMT. VIBHA KANKANWADI]
JUDGE

scm