



IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

CRIMINAL APPLICATION NO.223 OF 2024

- 1) Dr. Amol S/o Ashokrao Metkar,
Age-43 years, Occu:Doctor,
R/o-Flat No.702, Shri Murlidhar Heights,
7th Floor, Behind Synergy Hospital,
Snehnagar, Mhasrul, Nashik,
Taluka and District-Nashik,
(Husband)
- 2) Ashalata Ashokrao Metkar,
Age-67 years, Occu:Household,
R/o-At Post- Chandori,
Taluka-Niphad, District-Nashik,
(Mother-in-law),
- 3) Atul S/o Ashokrao Metkar,
Age-45 years,
R/o-At Post- Chandori,
Taluka-Niphad, District-Nashik,
(Brother-in-law),
- 4) Sheetal @ Suchita W/o Atul Metkar,
Age-42 years, Occu:Household,
R/o At Post-Chandori,
Taluka-Niphad, District-Nashik,
(Sister-in-law),
- 5) Pallavi D/o Ashok Metkar @
Pallavi W/o Vaibhav Sandanshive,
Age-38 years, Occu:Household,
R/o-Shri Gurukrupa Spociety,
Plot No.60/12, Pokharan Road No.01,
Shivesena Shakha, Shivaji Nagar,
Thane, Tq. And Dist-Thane.
(Sister-in-law).

...APPLICANTS

VERSUS

- 1) The State of Maharashtra,
Through the Police Inspector,
Police Station, Evpur West,
Dhule, Taluka and District-Dhule,
- 2) Mrs. Jayshri W/o Amol Metkar,
Aged-41 years, Occu:Service,
R/o-Plot No.38, Jitendranagar,
Nakane Road, Devpur, Dhule,
Taluka and District-Dhule.

...RESPONDENTS

WITH

**CRIMINAL APPLICATION NO.3215 OF 2024
IN**

CRIMINAL APPLICATION NO.223 OF 2024

- 1) Dr. Amol S/o Ashokrao Metkar,
- 2) Ashalata Ashokrao Metkar,
- 3) Atul S/o Ashokrao Metkar,
- 4) Sheetal @ Suchita W/o Atul Metkar,
- 5) Pallavi D/o Ashok Metkar @
Pallavi W/o Vaibhav Sandanshive

...APPLICANTS

VERSUS

- 1) The State of Maharashtra,
- 2) Mrs. Jayshri W/o Amol Metkar

...RESPONDENTS

...

Mr. A.V. Rakh Advocate for Applicants.
Mr. V.K. Kotecha, A.P.P. for Respondent No.1.
Mr. V.P. Raje Advocate for Respondent No.2.

...

**CORAM: SMT. VIBHA KANKANWADI AND
S.G. CHAPALGAONKAR, JJ.**

DATE : 11th OCTOBER, 2024

ORDER [PER SMT. VIBHA KANKANWADI, J.] :

1. Criminal Application No.3215 of 2024 has been filed for allowing the applicants to produce copy of the charge-sheet and for permitting the applicants to amend the main application. For the reasons stated in the Application, Criminal Application No.3215 of 2024 stands allowed and disposed of.

2. So far as Criminal Application No.223 of 2024 is concerned, it has been filed under Section 482 of the Code of Criminal Procedure, initially for quashing the First Information Report (for short "the FIR") vide Crime No.309 of 2023 registered with Devpur West Police Station, District-Dhule on 21st September 2023 and by way of amendment for quashing the proceedings in R.C.C. No.906 of 2023 pending before the learned Judicial Magistrate First Class, Dhule, for the offence punishable under Sections 498-A, 323, 504, 506 read with Section 34 of the Indian Penal Code.

3. It is not in dispute that applicant No.1 got married to respondent No.2 on 10th December 2012. They are blessed with a son, who was born on 22nd October 2013. Applicant No.1 is the husband, applicant No.2 is mother-in-law, applicant No.3 is

brother-in-law, applicant No.4 is the wife of brother-in-law and applicant No.5 is sister-in-law.

4. Heard learned Advocate Mr. Rakh for applicants, learned APP Mr. Kotecha, for respondent No.1 and learned Advocate Mr. Raje for respondent No.2. In order to cut short, it can be said that the learned Advocates for respective parties have argued in support of their contentions.

5. The contents of the FIR and the statements of the witnesses, who are near relatives of the informant, are on the same line. It has been stated in the FIR that informant was treated properly for about a month after the marriage. Thereafter she went to stay with her husband at Mumbai. She says that on account of trifle grounds, there used to be quarrel between husband and wife. The other accused persons used to instigate by making phone calls to applicant No.1 and thereafter applicant No.1 used to assault the informant. After the birth of her son, her husband and mother-in-law had gone to see the child but left after quarrel. Thereafter, when her son became six months old, at that time husband, brother-in-law along with wife of brother-in-law had gone to fetch the informant. There was quarrel between the informant and accused persons on 22nd October 2014 at Chandori i.e. matrimonial home when the

husband and the informant had gone with their son on account of birth day of the son. She then says that in April 2015 there was an attempt to mediate the dispute but it was not materialized. She then says that in 2023 her husband had knocked the doors of the Family Court, Mumbai. There was conciliation and then her husband started his dispensary at Nashik and then she went along with her husband to stay at Nashik. There was no change in the behaviour of her husband. Her husband used to enter into quarrel with her due to trifle reasons. When they had gone to Family Court, Mumbai for attending the case, the husband left the said Court by leaving the informant and son in Court itself. Therefore, the informant went to her parents house. After some days, she lodged the report.

6. The said contents of the FIR would demonstrate that whatever dispute was there between informant and her husband is stated to be on account of some trifle matter. The usual wear and tear in the marital life of a couple is understandable and that cannot be the ground for lodging the FIR. The informant has not stated as to what she has done since 2015 to 2023. It appears that just to bring the case under limitation, such statement has been made. Otherwise, the FIR is time barred. On the basis of the contents of the FIR as well as the entire charge-sheet we can

find that it would be unjust to ask the applicants to face the trial as even after taking the case as it is, the ingredients of the offence are not made out. Hence, we pass following order:-

ORDER

(I) Criminal Application No. 223 of 2024 and Criminal Application No.3215 of 2024 stand allowed.

(II) The proceedings in R.C.C. No.906 of 2023 pending before the learned Judicial Magistrate First Class, Dhule, for the offence punishable under Sections 498-A, 323, 504, 506 read with Section 34 of the Indian Penal Code, arising out of the First Information Report vide Crime No.309 of 2023 registered with Devpur West Police Station, District-Dhule on 21st September 2023, stands quashed and set aside as against applicant Nos. 1 to 5 i.e. - 1) Dr. Amol S/o Ashokrao Metkar, 2) Ashalata Ashokrao Metkar, 3) Atul S/o Ashokrao Metkar, 4) Sheetal @ Suchita W/o Atul Metkar and 5) Pallavi D/o Ashok Metkar @Pallavi W/o Vaibhav Sandanshive.

[S.G. CHAPALGAONKAR]
JUDGE

[SMT. VIBHA KANKANWADI]
JUDGE