



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

CRIMINAL APPLICATION NO. 3265 OF 2022

1. Walmik S/o. Bhagwat Kedar
2. Meera W/o. Walmik Kedar
3. Savita Dattatray Jaybhaye
4. Vimal Narayan Khedkar
5. Surekha D/o. Narayan KhedkarApplicants

Versus

1. The State of Maharashtra
2. Rameshwari W/o. Ajinath KhedkarRespondents

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Advocate for Applicants : Mr. R.N. Dhakne

APP for Respondent No. 1 : Ms. R.P. Gaur

Advocate for Respondent No. 2 : Mr. S.R. Andhale

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**CORAM : MANGESH S. PATIL &
SHAILESH P. BRAHME, JJ.**

DATE : 14 MARCH 2024

FINAL ORDER (PER : SHAILESH P. BRAHME, J.) :

1. Heard both the sides finally.
2. Learned counsel seeks permission to withdraw application to the extent of applicant no. 4 – Vimal and applicant no. 5 – Surekha.

Application stands withdrawn to their extent. We are dealing with application to the extent of applicant nos. 1 to 3.

3. Applicant no. 1 is husband of sister-in-law of respondent no. 2. Applicant no. 2 is sister-in-law and wife of applicant no. 1. Applicant no. 3 is another sister-in-law. They are shown to be accused in FIR C.R. No. 222 of 2022 registered with MIDC Police Station, District Ahmednagar for the offences punishable under Sections 498-A, 324, 504, 506 read with 34 of the Indian Penal Code and R.C.C. No. 1030 of 2022 pending before learned Judicial Magistrate First Class, Ahmednagar. They seek quashment of these proceedings.

4. Respondent no. 2 reported that she contracted marriage with accused no. 1 – Ajinath on 17.05.2020. She started residing with mother-in-law and sister-in-law – Surekha at Mungaswade, Taluka Pathardi, District Ahmednagar. She was subjected to cruelty by them on household chores. She was asked to bring Rs. 50,000/- for purchasing a plot. She was mentally and physically tortured by the accused persons. With this grievance, impugned FIR was registered. It was investigated and charge-sheet was filed.

5. Learned counsel for the applicants submits that applicant nos. 1 to 3 were residing at different places and were not sharing

residence with the informant. Due to the restrictions of pandemic – Covid 19, it was not possible for them to visit Mungaswade. It is submitted that the allegations are improbable. The supplementary statement discloses tendency of exaggeration and making false allegations. According to learned counsel, there are no specific allegations against the applicants.

6. Learned APP submits that specific role has been attributed to each of the applicants. There are statements of witnesses to disclose complicity of the applicants. The statements of the informant recorded prior to lodging of FIR corroborate allegations.

7. Learned counsel for respondent no. 2 would submit that there are independent witnesses like maternal uncle – Vasant Dinkar Khade and Sunil Sudhakar Khade to disclose involvement of the applicants.

8. We have gone through impugned FIR and statements of the witnesses recorded during the course of investigation. Material on record indicates that specific allegations are against husband, mother-in-law and sister-in-law – Surekha. These accused persons resided with the informant at Village Mungaswadi, Taluka Pathardi, District Ahmednagar. But the allegations against applicant nos. 1 to 3 are omnibus and vague.

9. Applicant nos. 1 and 2 are residents of Thate Wadgaon, Taluka Shevgaon District Ahmednagar. Applicant no. 3 – Savita is resident of Kakadhira, Taluka Patoda, District Beed. It is stated in FIR that informant resided at matrimonial place from 17.05.2020 up to the January 2021 which was period during which the restrictions for pandemic – Covid 19 were in force. We have not noticed any material on record to show that there was any occasion for the applicants to travel and interact with the informant. We find force in the submissions of the learned counsel for the applicants that allegations against them are improbable.

10. Before lodging compliant, informant appears to have approached Bharosa Cell. Her statement was recorded on 30.03.2022 which does not indicate any grievance against applicant nos. 1 to 3. In all probabilities, tendency of the informant to rope in applicant nos. 1 to 3 cannot be ruled out. In view of law laid down by Supreme Court in the matter of *Geeta Mehrotra and others Versus State of Uttar Pradesh and others*, (2012) 10 SCC 741 and *Kahkashan Kausar Versus State of Bihar*, (2022) 6 SCC 599, we find that the applicants are not involved in offence.

11. We have considered the statements of the witnesses. They are in the line of version of the informant. They cannot be said to be

independent witnesses. We are not impressed by the material on record shown by the respondents.

12. We, therefore, allow criminal application to the extent of applicant nos. 1 to 3. FIR C.R. No. 222 of 2022 registered with MIDC Police Station, District Ahmednagar for the offences punishable under Sections 498-A, 324, 504, 506 read with 34 of the Indian Penal Code and R.C.C. No. 1030 of 2022 pending before learned Judicial Magistrate First Class, Ahmednagar, are quashed and set aside.

[SHAILESH P. BRAHME, J.]

[MANGESH S. PATIL, J.]