



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

940 CRIMINAL APPLICATION NO.3623 OF 2022

1. Sukdev s/o Daga Jadhav
2. Pramila w/o Sukdev Jadhav
3. Mukesh s/o Sukdev Jadhav
4. Yogita s/o Mukesh Jadhav
5. Poonam w/o Yogesh Marathe

.. Applicants

Versus

1. The State of Maharashtra
Through the Police Sub Inspector,
Pachora Police Station, Pachora,
Tq. Pachora, Dist. Jalgaon.

2. Anita w/o Dipak Jadhav

.. Respondents

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Mr. U. S. Patil, Advocate for Applicants.
Mr. S. A. Gaikwad, APP for Respondent No.1 – State.
Mr. D. A. Madake, Advocate for Respondent No.2.

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**CORAM : SMT. VIBHA KANKANWADI &
ABHAY S. WAGHWASE, JJ.**

DATE : 20 AUGUST, 2024.

ORDER :-

. Present application has been filed under Section 482 of the Code of Criminal Procedure for quashing the FIR vide Crime No.451 of 2022 dated 04.10.2022 registered with Pachora Police Station, Taluka Pachora, District Jalgaon and the proceedings in

R.C.C. No.14 of 2023 pending before the learned Judicial Magistrate First Class, Pachora, for the offence punishable under Sections 498-A, 323, 504, 506 read with Section 34 of Indian Penal Code.

2. Heard learned Advocate Mr. U. S. Patil for the applicants, learned APP Mr. N. R. Dayama for respondent No.1 – State and learned Advocate Mr. D. A. Madake for respondent No.2 . In order to cut short, it can be said that all of them have made submissions in support of their respective contentions.

3. The applicants before this Court are father-in-law, mother-in-law, brother-in-law, brother-in-law's wife and husband's sister of respondent No.2. Perusal of the FIR lodged on 04.10.2022 would show that respondent No.2 got married to original accused No.1 in 2009. She contends that she was treated properly for about three years and thereafter, since 2012, it is said that she was harassed by the husband by making illegal demand of Rs.3,00,000/- for purchase of tractor. It also appears that she was residing at Chalisgaon and her matrimonial home is Takli. She has son aged 11 years and daughter aged 10 years at the time when she lodged the FIR. She also makes allegations

against husband. Since he is not before us, we may not reproduce those contents, but as regards the applicants are concerned, omnibus allegations are made that they were abusing her and instigating the husband for fulfillment of the said demand. She has then stated that she was driven out of the house by the applicants and accused No.1 in Diwali of 2018.

4. The material in the charge-sheet would show that the statements of her children have not been taken, who would be the best witnesses. Further, the witnesses, whose statements were recorded, are the near relatives of respondent No.2. They also stated that since Diwali of 2018, the informant and her children are residing with the parents of respondent No.2. That means since Diwali of 2018 till the FIR was lodged on 04.10.2022, there were no overt acts on the part of the applicants. Taking into consideration the offences under which the FIR is registered as well as the charge-sheet is filed, it appears that the FIR has been lodged beyond the period of limitation. Under said circumstance, case is made out for exercise of inherent powers under Section 482 of the Code of Criminal Procedure. Hence, the following order is passed :-

ORDER

I) Criminal Application stands allowed.

II) The FIR bearing Crime No.451 of 2022 dated 04.10.2022 registered with Pachora Police Station, Taluka Pachora, District Jalgaon for the offences punishable under Sections 498-A, 323, 504, 506 read with Section 34 of Indian Penal Code and the proceedings in R.C.C. No.14 of 2023 pending before the learned Judicial Magistrate First Class, Pachora, stand quashed and set aside as against applicant No.1 – Sukdev s/o Daga Jadhav, applicant No.2 – Pramila w/o Sukdev Jadhav, applicant No.3 – Mukesh s/o Sukdev Jadhav, applicant No.4 – Yogita s/o Mukesh Jadhav and applicant No.5 – Poonam w/o Yogesh Marathe.

[ABHAY S. WAGHWASE]
JUDGE

[SMT. VIBHA KANKANWADI]
JUDGE

scm