



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

62 CRIMINAL APPLICATION NO. 3656 OF 2022

1. Sanjay s/o Shripatrao Deshmukh,
Age 35 yrs., Occ: Service
**(application of applicant no.1
is withdrawn)**
2. Shripatrao s/o Dattarao Deshmukh,
Age 62 yrs., Occ: Agriculturalist,
3. Suman Shripatrao Deshmukh,
Age 52 yrs, Occ: Household,
4. Maroti Shripatrao Deshmukh
Age 34 yrs., Occ: Agriculturalist,
5. Shraddha Maroti Deshmukh,
Age: 20 yrs, Occ: Household,

All R/o Wadgaon Tarfe Jawala,
Tq. Kalamnuri, District Hingoli.

6. Shardatai Santosh Deshmukh,
Age 39 yrs., Occ: Agriculturalist,
R/o Waki, Tq. Hadgaon,
District Nanded.

... Applicants

Versus

1. The State of Maharashtra,
Through Police Inspector,
Akhada Balapur Police Station,
Dist. Hingoli.
2. Savita alias Varsha Sanjay Deshmukh,
Age 32 years, Occupation: Nil,
R/o Wadgaon Tarfe Jawala,
Tq. Kalamnuri, District Hingoli.

... Respondents

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Advocate for Applicants : Mr. Shreyas S. Deshpande
APP for Respondent No.1-State : Mr. A. M. Phule
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**CORAM : SMT. VIBHA KANKANWADI AND
ABHAY S. WAGHWASE, JJ.**

DATED : 05 AUGUST 2024

ORDER :-

1. Present application has been filed invoking the inherent powers of this Court under Section 482 of the Code of Criminal Procedure (Cr.P.C.) for quashing FIR No. 433 of 2022 registered with Akhada Balapur Police Station, District Hingoli for offences punishable under Sections 498-A, 323, 504 r/w 34 of the Indian Penal Code (IPC).
2. It will not be out of place to mention here that in view of order passed by this Court on 18.11.2022, the application stood withdrawn to the extent of husband (applicant no.1). Therefore, the matter proceeded for the relief claimed by applicant nos. 2 to 6.
3. It is not in dispute that respondent no.2 got married with original applicant no.1 on 19.04.2026 as per the Hindu rites. Applicant nos. 2 and 3 are parents of applicant no.1 husband. Applicant no.4 is brother of husband. Applicant no.5 is wife of applicant no.4 and applicant no.6 is the sister of husband.

4. Heard learned Advocate Mr. Deshpande for the applicant nos. 2 to 6 and learned APP for respondent no.1. None present for respondent no.2.

5. Perusal of the FIR would show that main allegations are against applicant no.1 husband. As regards the other applicants are concerned, it is stated that by demanding amount of Rs.2,00,000/- for purchasing house and amount of Rs.2,00,000/-for purchasing Unicorn motorcycle, in all demand was for Rs.4,00,000/- and in order to persuade that demand, she was physically and mentally harassed. In the FIR, no specific instances are given but there is use of word physical and mental "harassment". Unless the specific instances are given, it cannot be adjudicated as to whether it comes under the category of ill-treatment. The statements are omnibus and to rope all the family members.

6. We will not consider the submissions that the registration of the FIR was by way of counterblast to the divorce proceedings, because this is required to be proved by the applicants. The said petition appears to have been filed by the original applicant no.1 husband against whom the instant application has been withdrawn.

7. Perusal of the statements of witnesses under Section 161 of Cr.P.C. would show that they are stereotype and rather copy pest with having similar paragraphs. The only change is the relationship of the same person with accused. When this kind of evidence is collected, it would be unjust to ask the applicants to face the trial. Therefore, when the case is squarely within the parameters laid down in ***State of Haryana and others v. Ch. Bhajan Lal*** ; AIR 1992 SC 604, the application of applicant nos. 2 to 6 deserves to be allowed. Hence, following order is passed :

ORDER

- I. The application of applicant nos. 2 to 6 stands allowed.
- II. The FIR No. 433 of 2022 dated 01.09.2022 registered with Akhada Balapur Police Station, District Hingoli and the proceedings in RCC No. 192 of 2022 pending before the learned JMFC, Klamnuri are hereby quashed and set aside to the extent of applicant nos. 2 to 6.

[ABHAY S. WAGHWASE, J.]

[SMT. VIBHA KANKANWADI, J.]

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