



IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

CRIMINAL APPLICATION NO.3543 OF 2023

- 1) Aamaruta @ Ayodhya W/o Amol Patil,
Age-37 years, Occu:Service
(As Gramsevak at Gevrai),
R/o-Flat No.A-205, Sarda Sankul,
Subhash Road, Near Thete Hospital,
Beed, Tq. and Dist-Beed,
(Sister-in-law),
- 2) Amol S/o Rameshrao Patil,
Age-38 years, Occu:Service,
R/o-Flat No.A-205, Sarda Sankul,
Subhash Road, Near Thete Hospital,
Beed, Tq. and Dist-Beed,
(Husband of Applicant No.1),
- 3) Shital W/o Mahesh Thokare,
Age-32 years, Occu:Service
(As Gramsevak at Beed),
Pimpalner (G), Tq. and Dist-Beed,
(Sister-in-law)

...APPLICANTS

VERSUS

- 1) The State of Maharashtra,
Through Police Station Officer,
Police Station, Dindrud,
Tq. and Dist-Beed,
- 2) Shital Muktabai W/o Sumant Shinde,
Age-27 years, Occu:Household,
R/o-at present Rajewado,
Tq-Majalgaon, Dist-Beed.

...RESPONDENTS

...
Mr. Mahesh P. Kale Advocate for Applicants.
Mr. N.R. Dayama, A.P.P. for Respondent No.1.
Mr. P.N. Muley Advocate for Respondent No.2.
...

**CORAM: SMT. VIBHA KANKANWADI AND
R.W. JOSHI, JJ.**

DATE : 13th NOVEMBER, 2024

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

1. Leave to amend, to be carried out immediately.
2. Present application 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.228 of 2022 registered with Dindrud Police Station, District-Beed and by way of amendment, for quashing of charge-sheet bearing R.C.C. No.49 of 2023 pending before the learned Judicial Magistrate First Class, Majalgaon, District-Beed for the offence punishable under Sections 498-A, 323, 504, 506 read with Section 34 of the Indian Penal Code.
3. Heard learned Advocate Mr. Kale for the applicants, learned APP Mr. Dayama for respondent No.1 and learned Advocate Mr. Muley for respondent No.2.

4. It is not in dispute that present applicant No.1 and No.3 are the sister-in-law of respondent No.2 and applicant No.2 is husband of applicant No.1. Respondent No.2 got married to original accused No.1 Sumant Rangnath Shinde on 13th July 2021. Both the sister-in-law were already married and were residing at their respective matrimonial home.

5. Perusal of the FIR as well as contents of the charge-sheet would show that so far as present applicants are concerned, it is stated that they were demanding amount and harassed her when they had come for celebration of Diwali festival for 4 to 5 days in the matrimonial home of respondent No.2. The ill-treatment was in the nature of taunting. It is stated that the amount that was demanded was Rs.10,00,000/- for the business for accused No.1. It is then also stated that applicant No.2, who is serving in District Court, Beed gave threats on the basis of his employment at a later point of time when she had tried to lodge the FIR.

6. Thus the allegations that when the applicants had come for celebration of Divali and then it is stated that they have demanded the amount and given taunts, cannot attract the

ingredients of Section 498-A of the Indian Penal Code. The actual words of taunting have not been given. The statements of the witnesses under Section 161 of the Code of Criminal Procedure are almost copy paste and therefore, it would be unjust to ask the applicants to face the trial. Hence the following order:-

ORDER

(I) The Application stands allowed.

(II) The proceedings in R.C.C. No.49 of 2023 pending before the learned Judicial Magistrate First Class, Majalgaon, District-Beed for the offence punishable under Sections 498-A, 323, 504, 506 read with Section 34 of the Indian Penal Code, arising out of the FIR vide Crime No.228 of 2022 registered with Dindrud Police Station, District-Beed, stands quashed and set aside as against applicant Nos. 1 to 3 i.e. - 1) Aamaruta @ Ayodhya W/o Amol Patil, 2) Amol S/o Rameshrao Patil and 3) Shital W/o Mahesh Thokare.

[R.W. JOSHI]
JUDGE

[SMT. VIBHA KANKANWADI]
JUDGE

asb/NOV24