



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

932 CRIMINAL APPLICATION NO.3969 OF 2022

- 1 Kishor Ratanrao Kale,
Age 40 yrs., Occ. Service,
- 2 Puja w/o Kishor Kale,
Age 30 yrs., Occ. Household,

Applicant Nos.1 and 2 are
R/o Jay Bhavani Colony,
Khandoba Bazar Road, Parbhani.

- 3 Yogita w/o Gajanan Musadwale,
Age 36 yrs., Occ. Housewife,
R/o Zotinga, Tq. Sindkhedraja,
Dist. Buldhana.
At present residing at Bajaj Nagar,
Aurangabad.
(Dismissed vide order dated 14.12.2022.)

- 4 Namrata w/o Bhagwan Chandan,
Age 32 yrs., Occ. Household,
R/o RX-16, D-8, Swedshilp Housing Society,
Near Ganpati Mandir,
Bajaj Nagar, Wadgaon Kolhati,
Tq. & Dist. Aurangabad.
(Dismissed vide order dated 14.12.2022.)

... Applicants

... Versus ...

- 1 The State of Maharashtra
Through Police Inspector,
Police Station, Khultabad,
Tq. Khultabad, Dist. Aurangabad.

- 2 Jaya w/o Shubham Rajguru,
Age 23 yrs., Occ. Household,
R/o Dadana, Tq. Khultabad,
Dist. Aurangabad.

... **Respondents**

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Mr. K.B. Bagnawat and Mr. D.K. Rajput, Advocates for applicants

Mrs. Priya R. Bharaswadkar, APP for respondent No.1

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

DATE : 11th OCTOBER, 2024

ORDER :

1 Present application has been filed under Section 482 of the Code of Criminal Procedure, 1973 initially for quashing First Information Report bearing Crime No.449/2022 dated 09.10.2022 registered with Khultabad Police Station, Tq. Khultabad, Dist. Aurangabad and by way of amendment charge sheet/proceedings in Regular Criminal Case No.36/2023 pending before learned Judicial Magistrate First Class, Khultabad. It will not be out of place to mention here that by order dated 14.12.2022 the application stood dismissed against applicant Nos.3 and 4, in view of the fact that we were not inclined to grant any relief to them. The matter proceeded for the reliefs claimed by applicant Nos.1 and 2.

2 Heard learned Advocate for applicant Nos.1 and 2 and learned APP. Respondent No.2 though served remained absent.

3 Applicant No.2 is sister-in-law and applicant No.1 is husband of sister-in-law. Both are stated to be residing at Parbhani.

4 On perusal of the First Information Report as well as statements of the witnesses it can be seen that no specific role has been attributed to applicant Nos.1 and 2. It is important to note that in the First Information Report it is stated that applicant Nos.1 and 2 are said to be residing at Bajaj Nagar, Aurangabad, Khultabad, Aurangabad Rural, however, in the charge sheet the address of applicant No.1 has been stated as 'Khandoba Mandir, Parbhani' and for applicant No.2 it is stated that 'presently she is residing at Newasa, Tq. Newasa, Dist. Ahmednagar'. There is absolutely no explanation or details as to when these two applicants are residing at the said place. Respondent No.2 has tried to paint a picture that even applicant Nos.1 and 2 were residing at Gadana, Khultabad, Aurangabad Rural. When applicant No.2, who is the sister-in-law (husband's sister) was married prior to the marriage of respondent No.2 with original accused No.1, then the contents of First Information Report ought to have been clear as to what was the reason for the married sister-in-law and her husband residing in the matrimonial

home of respondent No.2. There are no allegations of demand or cruelty amounting to explanation 'A' or 'B' in Section 498-A of the Indian Penal Code. Therefore, this is a fit case where we can exercise our inherent powers under Section 482 of the Code of Criminal Procedure, 1973. Hence, following order.

ORDER

- i) Criminal Application stands partly allowed.
- ii) Charge sheet i.e. proceedings in Regular Criminal Case No.36/2023 pending before learned Judicial Magistrate First Class, Khultabad, Tq. Khultabad, Dist. Aurangabad arising out of First Information Report vide Crime No.449/2022 dated 19.10.2022 registered with Khultabad Police Station stands quashed and set aside as against applicant No.1) **Kishor Ratanrao Kale** and applicant No.2) **Puja w/o Kishor Kale** only.
- iii) Criminal Application stands dismissed as against applicant Nos.3 and 4.

(S.G. CHAPALGAONKAR, J.)

(SMT. VIBHA KANKANWADI, J.)

agd