



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
CRIMINAL APPLICATION NO. 4066 OF 2022**

1. Amol S/o Uddhavrao Ugile,
Age: 39 years, Occu:
R/o. Vakil Colony, Ahmedpur,
Tq. Ahmedpur, Dist. Latur. (Husband of
Respondent No.2-
Complainant)
2. Uddhavrao s/o Rukmaji Ugile
Age: 71 years, Occu: Nil,
R/o. Vakil Colony, Ahmedpur,
Tq. Ahmedpur, Dist. Latur (Father-in-law of
Respondent No.2-
Complainant)
3. Sow. Madhubala W/o Uddhavrao
Ugile Age: 66 years, Occu: Household
R/o. Vakil Colony, Ahmedpur,
Tq. Ahmedpur, Dist. Latur (Mother-in-law of
Respondent No.2-
Complainant)
4. Chandrakant s/o Uddhavrao Ugile
Age: 46 years, Occu: Business,
R/o. Vakil Colony, Ahmedpur,
Tq. Ahmedpur, Dist. Latur (Brother-in-law of
Respondent No.2-
Complainant)
5. Sow. Varsha w/o Rahul Khandade
Age: 41 years, Occu: Houshold,
R/o.Dnyaneshwar Nagar, Ambajogai Road,
Latur Tq. & Dist. Latur (Married Sister-in-
law of Respondent
No.2-Complainant)
..Applicants

Versus

1. The State of Maharashtra
Through the Police Inspector,
Police Station Vivekanand Chowk,
Latur, Tq. & Dist. Latur.
2. Sow. Sheetal W/o Amol Ugile
Age: 33 years, Occ. Household
R/o. Vakil Colony, Nanded Road,
Ahmedpur, Tq. Ahmedpur, Dist. Latur

At present: R/o. Nath Nagar, Latur,
Tq. & Dist. Latur

..Respondents
(Resp.No.2 - Orig.
Complainant)

...
Mr. Kiran T. Jamdar, Advocate for Applicants.
Ms. R. P. Gaur, APP for Respondent No.1.
Mr. P. P. More, Advocate for Respondent No.2.

...
CORAM : SMT. VIBHA KANKANWADI AND
S. G. CHAPALGAONKAR, JJ.
DATED : 04th SEPTEMBER, 2024.

P.C.

1. The present application has been filed for quashing and setting aside the proceeding/charge-sheet in R.C.C. No.2139/2021 pending before Judicial Magistrate First Class, Court No.1, Latur, which is arising out of FIR vide Crime No.749/2021 dated 02.12.2021 registered with Vivekanand Chowk Police Station, Tal. and Dist. Latur for offence punishable under Sections 498-A, 323, 504, 506 r/w 34 of the Indian Penal Code.

2. Before we proceed, a fact is to be placed on record that by order dated 03.11.2023 on instructions the learned Advocate for the applicants has withdrawn the application as against applicant nos.1-Husband.

3. It is not in dispute that applicant no.1 got married to respondent no.2 on 17.04.2008. They have son aged around 11 years on the date of FIR. The applicant nos.2 and 3 are parent-in-laws, applicant no.4 is brother-in-law and applicant no.5 is married sister-in-law of respondent no.2.

4. Heard the learned Advocate for the applicants, learned APP for respondent no.1 and learned Advocate for respondent no.2. Perused the charge-sheet. In order to cut short, it can be stated

that they all have made submissions supporting their respective contentions.

5. Perusal of FIR would show that allegations are prior to 30.09.2019. The informant is stated to have been harassed on account of demand of Rs.2.5 lakhs for purchasing house at Pune. She has lodged report dated 30.09.2019 at Sangvi Police Station, Dist. Pune. It is now disclosed that the said FIR is only in respect of Sections 323 and 324 of the Indian Penal Code and it is against applicant no.1. There are no allegations attracting offence under Section 498-A of the Indian Penal Code. The informant has further stated that since 30.09.2019, she is residing at her parents' house in Nath Nagar, Latur. Meantime, there were efforts of conciliation, but they failed. She then states that on 08.08.2021 around 11.00 am all the applicants went to her father's house at Latur and asked her as to why she is not withdrawing the case at Pune and it was asked as to why she has not yet brought amount of Rs.15,00,000/- for starting business for them. Then it is said that she was assaulted by each of the applicants. The parents of the informant and the neighbours rescued her. Then FIR is lodged on 02.12.2021.

6. Perusal of this process of FIR would show that it is lodged belatedly to which in the entire charge-sheet there is no explanation. Further it can be seen that since 30.09.2019 she was not residing with the applicants. She states about incident dated 08.08.2021, but then there is no statement in respect of the fact that prior to 08.08.2021 there was any demand of Rs.15,00,000/- for the purpose of business. The case at Pune as aforesaid is only against applicant no.1 and, therefore, the other applicants would not have insisted upon withdrawing the same. For a day's incident i.e. 08.08.2021 it cannot be said that it discloses ingredients of offence punishable under Section 498-A of the Indian Penal Code.

As regards those allegations under Sections 323, 504, 506 r/w 34 of the Indian Penal Code, in absence of Section 498-A of the Indian Penal Code would be a non-cognizable offence, even if we considered the role attributed to applicant nos.2 to 5. Therefore, this to be a fit case where we should exercise our inherent powers under Section 482 of the Criminal Procedure Code. Hence, following order:

ORDER

- a. Criminal Application is allowed.
- b. The FIR vide Crime No.749/2021 dated 02.12.2021 registered with Vivekanand Chowk Police Station, Latur and proceeding in R.C.C No.2139/2021 pending before learned Judicial Magistrate First Class, Court No.1, Latur for offence punishable under Section 498-A, 323, 504, 506 r/w 34 of the Indian Penal Code stand quashed and set aside as against applicant nos.2 to 5.
- c. Criminal Application is disposed of.

(S. G. CHAPALGAONKAR)
JUDGE

(SMT. VIBHA KANKANWADI)
JUDGE