



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

906 CRIMINAL APPLICATION NO.4360 OF 2022

- 1 Mukesh Shivaji Patil,
Age 36 yrs., Occ. Private Service,
- 2 Shivaji Uttam Patil,
Age 68 yrs., Occ. Agri.,
- 3 Yogesh Shivaji Patil,
Age 32 yrs., Occ. Agri.,

Applicant Nos.1 to 3 are
r/o Plot No.166, Dnyandeep Housing
Society, Dhule Road, Nandurbar.

- 4 Vrushali Sandip Jadhav,
Age 37 yrs., Occ. Agri.,
R/o At Post Kathore, Sanpule,
Tq. Chopda, Dist. Jalgaon.

... Applicants

... **Versus** ...

- 1 The State of Maharashtra
Through Dhule Taluka Police Station,
Tq. & Dist. Dhule.
- 2 Kirti Mukesh Patil,
Age 27 yrs., Occ. Housewife,
R/o Navara – Navari, Dhule,
Tq. & Dist. Dhule.

... Respondents

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Mr. R.P. Patwardhan, Advocate for applicants

Mrs. Priya R. Bharaswadkar, APP for respondent No.1
Mr. A.R. Dhore, Advocate h/f Mr. V.B. Patil, Advocate for respondent No.2

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

DATE : 19th SEPTEMBER, 2024

ORDER : (PER : SMT. VIBHA KANKANWADI, J.)

1 Present application has been filed under Section 482 of the Code of Criminal Procedure initially for quashing First Information Report vide Crime No.579/2022 dated 08.10.2022 registered with Dhule Taluka Police Station, Tq. & Dist. Dhule and by way of amendment for quashing charge sheet i.e. proceedings bearing Regular Criminal Case No.140/2023 pending before learned Chief Judicial Magistrate, Dhule, for the offence punishable under Sections 498-A, 323, 504, 506 read with Section 34 of the Indian Penal Code, 1860.

2 Heard learned Advocate Mr. R.P. Patwardhan for applicants, learned APP Mrs. Priya R. Bharaswadkar for respondent No.1 and learned Advocate Mr. A.R. Dhore holding for learned Advocate Mr. V.B. Patil for respondent No.2. In order to cut short, it can be said that they have argued in support of their respective contentions.

3 The applicants before us are the husband, father-in-law, brother-in-law and sister-in-law of respondent No.2. In the First Information Report respondent No.2 says that since last four years she is being harassed by husband, brother-in-law and parents-in-law. She has also stated in specific words that in-laws were given information that she is undergoing psychiatric treatment. In spite of that after the initial good days of 7-8 months the said ill-treatment started. She was addressed as a 'mentally retarded person'. She was humiliated on that count, even by two sisters-in-law. In the meantime, she has begotten daughter and then it is stated that parents-in-law started insisting that she should bring amount of Rs.5,00,000/- for opening a seed shop for the son/husband. She has also stated that when she told the said fact to her parents, they had gone to her matrimonial home, where her parents were abused, she was driven out of the house along with her daughter and parents and it was told that she will not be taken for cohabitation unless she brings the amount. She also states that on 16.01.2022 at her parental house the husband went along with his relatives, but after insisting that the amount should be given, they started abusing. There were attempts to persuade, however, it did not yield any positive result.

4 It is to be noted that present applicant No.1 has filed application

for divorce stating that respondent No.2 is suffering from incurable mental disease. Same defence appears to have been taken in the proceedings under Section 12 of the Domestic Violence Act, which is filed by respondent No.2. Interesting point to be noted is that medical papers have been placed on record since 23.12.2013 by applicants, when in fact, marriage has taken place in the year 2018. There is absolutely no explanation as to how those papers are in possession of applicants. No explanation to that effect has been given. Statements of witnesses would show that parents of respondent No.2 had informed about the illness of respondent No.2 prior to marriage. In fact, when a marriage is arranged, definitely, both sides would gather the information to the maximum extent and if it would have been obvious that respondent No.2 is a mentally retarded person, then definitely that information would have been reached till applicants before the marriage itself. Calling a person who is mentally weak as 'mentally retarded' amounts to mental ill-treatment and, therefore, there is such material before the Trial Court which requires that the trial should go ahead. No case is made out for interference. Application stands rejected.

(S.G. CHAPALGAONKAR, J.)

(SMT. VIBHA KANKANWADI, J.)

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