



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CRIMINAL APPLICATION NO.4022 OF 2019

Anuradha d/o Maroti Nilewad @
Anuradha w/o Vithal Huskewad ... **APPLICANT**

VERSUS

1. The State of Maharashtra
through Police Station Officer
Police Station Ambajogai (City)
Tq. Ambajogai, Dist. Beed
2. Priyanka w/o Shubham Sawant ... **RESPONDENTS**

...

Advocate for Applicant : Mr. R.G. Nirmal
A.P.P. for respondent/State : Mr. V.M. Jaware
Advocate for respondent No.2 : Mr. S.J. Salgare

...

**CORAM : MANGESH S. PATIL &
SHAILESH P. BRAHME, JJ.**

DATED : 23.02.2024

ORDER (MANGESH S. PATIL, J.) :

This is an application under Section 482 of the Code of Criminal Procedure seeking quashment of the crime bearing FIR No.423/2019 registered at Police Station Ambajogi (City), Ambajogai, Dist. Beed for the offences punishable under Section 498-A, 323, 504 read with Section 34 of the Indian Penal Code together with the charge-sheet and a consequent Regular Criminal Case No.77/2020 pending on the file Judicial Magistrate First Class, Ambajogai.

2. The applicant who has been arrayed as accused No.6 in the crime registered at the instance of the respondent No.2 is facing the

aforementioned charges on the basis of the allegations which are to the effect that the husband of the respondent No.2 was having an affair and illicit relation with the applicant and she had threatened the respondent No.2 when the latter tried to contact her.

3. We have heard both the sides.

4. Admittedly, the applicant is not related to the husband of the respondent No.2, consequently, she could not have been implicated for the offence punishable under Section 498-A of the Indian Penal Code.

5. Accepting the allegations in the FIR and even the supplementary statement of the respondent No.2 recorded on the very next day, there are no allegations about the applicant having assaulted the respondent No.2 and consequently even the implication under Section 323 of the Indian Penal Code would not be sustainable.

6. A supplementary statement of the respondent No.2 has been recorded on the very next day, wherein, she has stated that about a month prior to lodging of the FIR, after getting knowledge about her husband having illicit relationship with the applicant, she had tried to contact her, whereupon, the applicant asked her not to disclose the fact to anybody and threatened her of dire consequences. It is further alleged in the supplementary statement that on the some day, which has not been expressly mentioned, the applicant contacted her on a mobile phone of her mother and even questioned as to why she had informed her relations (applicant's family members) about her illicit relationship and abused her

mother.

7. Accepting the supplementary statement at its face value, we see no sufficient circumstance indicating the ingredients of the offences punishable under Sections 504 and 506 as well. Exact abuses have not been mentioned. There is no other material to corroborate this fact about any threat having been given by the applicant to the respondent No.2.

8. It would be abuse of the process of law if, based on such quality and scant material, the applicant is allowed to face the prosecution. There is every possibility that the applicant is being implicated for the obvious reason as the respondent No.2 perceives that she being the cause for her marital discord. The case is squarely covered by **State of Haryana and Ors. V/s Ch. Bhajan Lal and Ors.; (1992) SCC (Cri) 426.**

9. The Application is allowed. The crime bearing FIR No.423/2019 registered at Police Station Ambajogi (City), Ambajogai, Dist. Beed for the offences punishable under Section 498-A, 323, 504 read with Section 34 of the Indian Penal Code together with the charge-sheet and a consequent Regular Criminal Case No.77/2020 pending on the file of the Judicial Magistrate First Class, Ambajogai are quashed and set aside.

[SHAILESH P. BRAHME]
JUDGE

[MANGESH S. PATIL]
JUDGE