



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (APL) NO.958/2024

1. Abhijit S/o Rajesh Chaple,
aged about 32 Yrs., Occ. Nil.
2. Rajesh S/o Shyamrao Chaple,
aged about 64 Yrs., Occ. Retd.
3. Chhaya W/o Rajesh Chaple,
aged about 55 Yrs., Occ. Household.

Applicant Nos.1 to 3 R/o Ramna
Maruti Road, Gadge Nagar,
Behind Jyoti School, Hanuman
Nagar, Nagpur 440 009.

4. Aniket S/o Rajesh Chaple,
aged about 35 Yrs.,
Occ. Private Job.
5. Aparna W/o Aniket Chaple,
aged about 32 Yrs.,
Occ. Household.

Applicant Nos.4 and 5 R/o
House No.551, Shyam Niwas,
Near Ramdal Aakhada, Itwari,
Telipura, Nagpur 440 002.

... Applicants

- Versus -

1. State of Maharashtra,
through Police Station Gondia
City, Gondia.

2. Soniya W/o Abhijeet Chaple,
D/o Udaybhan Nirwan,
aged about 29 Yrs., R/o Besides
Sai Mandir, Govindpur, Mama
Chowk, Gondia 441 601. ... Non-applicants

Ms. Priyanka Mane, Advocate for the Applicants.
Mr. S.M. Ukey, A.P.P. for Non-applicant No.1.

CORAM: SMT. VIBHA KANKANWADI & MRS.VRUSHALI V. JOSHI, JJ.
DATED: 18.7.2024.

JUDGMENT (Per Mrs. Vrushali V. Joshi, J.)

Heard Ms. Priyanka Mane, learned Advocate for the
applicants and Mr. S.M. Ukey, learned A.P.P. for non-applicant
No.1. **Rule.**

2. The applicants have filed this application under
Section 482 of the Code of Criminal Procedure for quashing the
F.I.R. registered against these applicants for the offence
punishable under Sections 498-A and 504 read with Section 34
of Indian Penal Code.

3. The applicants are the husband and in-laws of non-applicant No.2. Applicant No.1 is husband, applicant Nos.2 and 3 are parents-in-law, applicant No.4 is brother-in-law and applicant No.5 is sister-in-law of non-applicant No.2. The marriage of non-applicant No.2 with applicant No.1 was performed on 12.2.2020. They have one daughter out of said wedlock. Specific allegations are made that after two years from 2020 applicant No.1 started consuming liquor and he harassed her. Non-applicant No.2 was staying with all these applicants. She has mentioned specific act of each applicant. They harassed her for demand of Rs.10,00,000/- and car. Applicant No.3 the wife of applicant No.4 used to harass her for household work. In November 2023 her husband beat her and drove her out with her daughter. Thereafter she went to her maternal home and informed about the harassment. When her father went there to drop her, they abused him and asked him to give Rs.10,00,000/- and drove him out. After the *Diwali* on 17.11.2023 in the morning at about 8 to 8.30 a.m. when non-applicant No.2 was

doing household work in kitchen applicant No.2 the mother-in-law went there and asked why she has not brought Rs.10,00,000/- and when she would give the car otherwise they would not allow her to stay there and she pulled her hairs. When she shouted applicant No.3 came there and she also beat her at that time her husband and father-in-law also came there and all of them beat her and drove her out. Thereafter she went to the parents house with her daughter and she has stayed there. She tried to settle the dispute. She tried to give understanding to her husband but he did not listen. Therefore, she has lodged the complaint.

4. Learned Advocate for the applicants has stated that it was love marriage of non-applicant No.2 and applicant No.1. The family members were known to each other. Applicant Nos.1 and 2 are old aged persons and they are suffering from many ailments. Applicant Nos.3 and 4 are staying separately in Itwari, Nagpur. Non-applicant No.2 was running parlour at her maternal home and she wanted to shift at maternal home with applicant No.1

and, therefore, her behaviour was not good and only to harass these applicants she has lodged false complaint. The applicants have denied the contents in the F.I.R. and stated that non-applicant No.2 has filed application under Domestic Violence Act wherein she has stated contradictory incidents and made contradictory statements. Hence prayed to allow the application by quashing the F.I.R.

5. Learned A.P.P. opposed the application stating that specific allegations are made against each of the applicants. They have to face the trial to prove their innocence. Hence prayed to reject the application.

6. Heard both sides. Perused the record.

7. Non-applicant No.2 and applicant No.1 are husband and wife. It was love marriage. For two years there was no complaint but non-applicant No.2 has specifically stated that applicant No.1 started consuming liquor and thereafter he used to behave in indecent manner with her and used to beat her. She has stated the role of each applicant by giving details as to how they

harassed her. Only the general submission is made that non-applicant No.2 has filed proceedings under Domestic Violence Act wherein she has made contradictory statements, she is not a trustworthy lady, she has filed false complaint and hence all the allegations made against the applicants. The contradiction in earlier proceeding cannot be considered at this stage as the same would be required to be proved by appreciating the evidence before the trial Court.

8. Considering the statements made by non-applicant No.2 in the F.I.R. about the demand of money and harassment at the hands of applicants, the applicants have to face the trial to prove their innocence. The prima face case is made out against all the applicants. Hence the application is rejected.

(MRS.VRUSHALI V. JOSHI, J.)

(SMT. VIBHA KANKANWADI,J.)