



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 83 OF 2017

1. Sandeep S/o. Gajanan Tandulje
Age- 36 years, Occu- Service deleted vide order dated 17.01.2017
 2. Gajanan S/o. Kisanrao Tandulje
Age-65 years, Occu. - Pensioner,
 3. Praful S/o. Gajanan Tandulje
Age - 42 years, Occu- Business
 4. Sow. Kirti W/o. Praful Tandulje,
Age- 38 years, Occu.-Household,
 5. Vinod S/o. Gajanan Tandulje
Age- 37 years, Occu.-Business,
 6. Sarika W/o. Vinod Tandulje
Age- 34 years, Occu- Service
Above all R/o. 115, Avishkar Colony,
CIDCO, N-6, Aurangabad.
- ... APPLICANTS

V/s.

1. The State of Maharashtra,
Through Police Inspector,
Tofkhana Police Station,
Tq. Ahmednagar, Dist. Ahmednagar.
 2. Anjali W/o. Sandeep Tandulje
Age- 31 years, Occu- housewife,
R/o. C/o. Anuradha Dwarkanath Kulkarni
113, Anand Complex, Savedi Naka,
Savedi, Ahmednagar.
- ... RESPONDENTS

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Mr. Suvidh S. Kulkarni a/w. Rahul Chandanse a/w. Vishal S. Kadam,
Advocates for the Applicants

Mr. V.M. Chate, APP for the Respondent/State

Mr. Z.H. Farooqui h/f. N.V. Gaware, Advocate for the Respondent No.2

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CORAM : Y.G. KHOBRAGADE, J.
RESERVED ON : 17.12.2024
PRONOUNCED ON : 10.01.2025

JUDGMENT:-

1. The Applicant Nos.2 to 6 have invoked jurisdiction of this Court under Section 482 of the Cr.P.C. and prayed for quashment of criminal proceeding bearing RCC No.602/2016 for the offence punishable under Section 498-A, 323, 324 read with Section 34 of the I.P.C., consequently, setting aside the order of issuance of summons dated 22.11.2016 passed by the learned JMFC, Ahmednagar, Court No.7.

2. The Applicant No.1 is the husband of Non-Applciant No.2 but his name was deleted from the array of the Applicants. The Applicant No.2 is the father-in-law, Applicant No.3 is the brother-in-law, Applicant No.4 is married sister-in-law, Applicant No.5 is brother-in-law and Applicant No.6 is the sister-in-law of the Non-Applciant No.2/Wife- Ori. Applicant in RCC No. 602 of 2016. For the sake of brevity, parties to the present application will be referred in their original capacity as Complainant and Accused.

3. Facts giving rise to the present application are that the Complainant/ wife of Applicant No.1 has filed a complaint RCC No.602/2016 before the learned JMFC, Ahmednagar, on the ground that on 04.07.2006 her marriage was solemnised with Applicant No.1 (deleted) as per Hindu Customs

and Rites. After marriage she co-habited with the Applicant No.1 in tenanted premises at Ahmednagar (now Ahilyanagar). Since, the Complainant and Accused No.1 got married out of love affair, therefore, the Applicants/original Accused Nos. 2 to 6 were not happy, hence, they were insulting her on the ground of not getting proper treatment on the eve of marriage. She further alleged that the Applicant No.1/original Accused No.1 was working with Bajaj Finance Company, however, the Applicant No.1 committed some financial misappropriation and was removed from the service. Thereafter, the Accused No.1 raised demand of dowry of Rs. Ten Lakhs which was fulfilled by her father. She further alleged that the Accused Nos.2 to 6 were used to telephonically instigate the Applicant No.1, due to which the Accused No.1 raised ill-treatment against her. She was conceived out of matrimonial relations but the Accused No.1 was not interested to have a child, therefore, she was taken to the hospital for termination of pregnancy but the Medical Officer refused to terminate the pregnancy. Ultimately, she delivered a baby boy- Mayank on 18.04.2013. Thereafter, she visited the Accused persons with her child for co-habitation at her matrimonial house but behaviour of the Accused persons never changed even though she delivered a male child. Lastly, on 08.06.2013, the Accused Nos.1 to 6 mercilessly beat her without any reason and drove her out of her matrimonial house after removing all the ornaments

from her person. Therefore, the accused have committed offences punishable under Section 498-A, 323 read with Section 34 of the I.P.C.

4. On 24.11.2016, the learned JMFC examine the complaint u/s Sec. 200 of Cri. P.C., and on satisfaction, on 21.11.2016, issued process under Section 202 of the Cr.P.C., against the Accused Nos.1 to 6/ present Applicants for the offence punishable under Section 498-A, 323 read with Section 34 of the I.P.C.

5. The learned counsel appearing for the Applicants/Accused submits that the Non-Applicant No. 2/Complainant specifically made averments about cause of action arising lastly on 08.06.2013, when these Applicants allegedly drove her out of the matrimonial house and raised demand of dowry of Rupees Ten Lakhs on part of the Applicant No.1/Husband when the accused No.1 and complainant were residing in tenanted premises at Ahmednagar, however, no specific date of the alleged incident has been narrated in the complaint. Section 498-A of IPC provides punishment of three years. Section 323 of I.P.C. provides one year imprisonment. However, the Complainant has instituted the complaint after a lapse of three years from the date of alleged incident i.e. 08.06.2013. Therefore, the learned JMFC could have refused to take cognizance due to lapse of period of three years as the complaint is barred by Section 468 of the Cr.P.C. However, the learned trial Court failed to consider

Section 468 of Cri. P.C., and issued the process, which is illegal, bad in law and continuing of proceeding would be an abuse process of law, therefore, prayed for quashing and setting aside the same.

6. The learned counsel appearing for the Applicants further canvassed that the Non-Applicant No.2/Complainant has made omnibus allegations that her father gave dowry of Rs. Ten Lakhs to the Applicant No.1/Accused No.1 to start Internet Cafe and the Applicant Nos.2 to 6 always instigated the Applicant No.1 but no specific date of incident has been specified and the Non-applicant No. 2/Complainant never cohabited with the Accused Nos.1 to 6 together at any time before. So also, these accused persons have driven out the complainant from her matrimonial house. Therefore, essential ingredients of offences punishable under Section 498-A, 323 read with Section 34 of the I.P.C. are not constituted, hence, prayed to quash and set aside the entire criminal proceeding as well as the order of issuance of process.

7. It is further canvassed on behalf of the applicants that the Complainant/Wife herself filed the HMP No. 120 of 2015 against the Accused No.1/Husband and prayed for decree of divorce u/s 13 (1) (ia) (i) of Hindu Marriage Act. After conclusion of trial, on 10.05.2016, the learned 2nd CJSD, Ahmednagar passed the judgment and decree in HMP No.120/2015 and dissolved the marriage between the Non-Applicant No.2. However, the

Complainant/N.A. No.2 filed a criminal complaint RCC No.602/2016 after four months of decree of divorce. Therefore, matrimonial relations between the complainant and the Accused No.1 were not in existence on the day of filing of complaint, hence, offences u/s 498-A, 323 read with Section 34 of the I.P.C., are not constituted. Therefore, continuance of criminal proceeding as against the Accused /Applicants will amount to abuse of process of law. So also, the complaint is groundless, hence, prayed for quashment of the proceeding.

8. In support of these submissions the learned counsel appearing for the Applicants placed reliance on the following cases:

- i) Dhariwal Tobacco Products Ltd. & Ors.; AIR 2009 SC 1032*
- ii) Prabhu Chawla V/s. State of Rajasthan & Ors.; AIR 2016 SC 4245*
- iii) Geeta Mehrotra & Anr. V/s. State of U.P. & Anr.; AIR 2013 SC 181*
- iv) Judgment dated 10.12.2024 passed by the Hon'ble Supreme Court in the case of Dara Lakshmi Narayana & Ors. V/s. State of Telangana and Anr. in Criminal Appeal No.____ 2024 (Arising out of SLP (Cri.) No.16239/2024)*
- v) Judgment dated 04.12.2024 passed by the Hon'ble Supreme Court in the case of Akanksha Arora V/s. Tanay Maben in Criminal Appeal No. _____/2024 (Arising out of SLP (Cri.) No.15909/2023)*

9. Per contra, the learned counsel appearing for the Non-Applicant No.2/Complainant canvassed in vehemence that marriage of the Complainant was solemnized with Accused No.1 on 04.07.2006. During subsistence of

marriage, the Accused have raised demand of dowry of Rs. Ten Lakhs to start Internet Cafe after the Accused No.1 was dismissed from service and for fulfillment of said demand, the complainant was subjected to cruelty. Ultimately, the father of complainant fulfilled said demand of dowry. On 18.04.2013, the Complainant/Non-Applicant No.2 with her child visited at her matrimonial house for co-habitation with the Applicant No.1 but the Applicants/Accused drove her out of the matrimonial house on 08.06.2013. Therefore, the Complainant filed a complaint and after considering the material available on record, the learned trial Court passed the impugned order and issued summons against the Applicants/Accused for the offence punishable under Section 498-A, 323 read with Section 34 of the I.P.C., which is just and proper, hence, prayed for dismissal of the application.

10. The learned counsel appearing for the Complainant/Non-Applicant No.2 further canvassed that on 10.05.2016 the learned 2nd CJSD, Ahmednagar passed the judgment and decree in HMP No.120/2015 and dissolved the marriage between the Complainant and Accused No.1, however, the Applicants/Accused harassed and subjected the Complainant to cruelty for demand of dowry during the subsistence of marriage, therefore, merely the dissolution of marriage subsequently can not be the ground for non prosecution of the former husband and in laws for raising cruelty, harassment for non-fulfillment of demand of dowry and causing hurt as contemplated under

Section 498-A, 323 read with Section 34 of the I.P.C., hence, prayed for dismissal of the application.

11. To buttress these submissions, the learned counsel for the complainant relied on ***Meer Akbar Ali and Anr. V/s. State of Maharashtra and Anr.; 2024 SCC OnLine Bom. 885***, wherein, the Division Bench of this Court considered case of ***Mohammad Miyan V/s. State of Uttar Pradesh; 2019 13 SCC 398*** and held that, the alleged demand of dowry and harassment attributed to the Applicants is of the period prior to dissolution of marriage on 19.02.2023. The allegations for offence under Section 498-A of the I.P.C. are not post Khulanama or post dissolution of marriage. When the informant was residing with the Applicants, she was subjected to cruelty as contemplated under Section 498-A of the I.P.C., therefore refused to exercise jurisdiction under Section 482 of the Cr.P.C.

12. He further relied on ***Vanka Radhamanohari (Smt.) V/s. Vanka Venkata Reddy & Ors.; (1993) 3 SCC 4***, wherein the Hon'ble Supreme Court held in para 6 & 7 as under:

“6. At times it has come to our notice that many courts are treating the provisions of Section 468 and Section 473 of the Code as provisions parallel to the periods of limitation provided in the Limitation Act and the requirement of satisfying the court that there was sufficient cause for condonation of delay under Section 5 of that Act. There is a basic difference between Section 5 of the Limitation Act and Section 473 of the Code. For exercise of power under Section 5 of the Limitation Act, the onus is on the appellant or the applicant to satisfy the court that there was sufficient cause

for condonation of the delay, whereas Section 473 enjoins a duty on the court to examine not only whether such delay has been explained but as to whether it is the requirement of the justice to condone or ignore such delay. As such, whenever the bar of Section 468 is applicable, the court has to apply its mind on the question, whether it is necessary to condone such delay in the interests of justice. While examining the question as to whether it is necessary to condone the delay in the interest of justice, the Court has to take note of the nature of offence, the class to which the victim belongs, including the background of the victim. If the power under Section 473 of the Code is to be exercised in the interests of justice, then while considering the grievance by a lady, of torture, cruelty and inhuman treatment, by the husband and the relatives of the husband, the interest of justice requires a deeper examination of such grievances, instead of applying the rule of limitation and saying that with lapse of time the cause of action itself has come to an end. The general rule of limitation is based on the Latin maxim: vigilantibus, et non, dormientibus, jura subveniunt (the vigilant, and not the sleepy, are assisted by the laws). That maxim cannot be applied in connection with offences relating to cruelty against women.

7. *It is true that the object of introducing Section 468 was to put a bar of limitation on prosecutions and to prevent the parties from filing cases after a long time, as it was thought proper that after a long lapse of time, launching of prosecution may be vexatious, because by that time even the evidence may disappear. This aspect has been mentioned in the statement and object, for introducing a period of limitation, as well as by this Court in the case of State of Punjab v. Sarwan Singh¹. But, that consideration cannot be extended to matrimonial offences, where the allegations are of cruelty, torture and assault by the husband or other members of the family to the complainant. It is a matter of common experience that victim is subjected to such cruelty repeatedly and it is more or less like a continuing offence. It is only as a last resort that a wife openly comes before a court to unfold and relate the day-to-day torture and cruelty faced by her, inside the house, which many of such victims do not like to be made public. As such, courts while considering the question of limitation for an offence under Section 498-A i.e. subjecting a woman to cruelty by her husband or the relative of her husband, should judge that question, in the light of Section 473 of the Code, which requires the Court, not only to examine as to whether the delay has been properly explained, but as to whether “it is necessary to do so in the interests of justice”.*

13. He further relied on the case of **Asha Ahuja V/s. Rajesh Ahuja & Ors.; 2003 (68) DRJ 437**, wherein, it is held that in cases relating to matrimonial offences, the bar of Section 468 of the Code should not be automatically applied and effort should be to lift it by invoking Section 473 of the Code which casts a duty upon the Court to consider the reasons for delay for condoning or even ignoring the same in the absence of proper explanation. The question of invoking the bar of Section 468 of the Code in relation to matrimonial offences, therefore, must be decided by the Courts in the light of Section 473 of the Code which has an over riding effect. The decision should be taken after taking into consideration the facts and circumstances of the case, reasons for delay and the situation in which the complainant wife had been put when she was suffering cruelty in her matrimonial home and thereafter when she was out of her matrimonial home.

14. Reverting back to the facts of the present case and perusal of record, it *prima facie* appears that on 07.09.2016, the complainant/Non-Applicant No.2 instituted a complaint bearing RCC No.602/2016. It is not in dispute that on 04.07.2006 the Complainant and Accused No.1 got married out of their love and affection. It seems that the Accused/ Applicants Nos.2 to 6 were not happy with the love marriage. On perusal of contents of the complaint, it does not reveal that the Accused have made any demand of dowry at the time of marriage or even prior to solemnization of marriage between the

Complainant and Accused No.1. The Complainant has made an omnibus statement that the Accused Nos.2 to 6 insulted her because of not getting better treatment on the occasion of marriage but the Complainant has not specified as to how ill-treatment was raised against her at the hands of the Accused Nos.2 to 6. The Complainant herself made a statement that after the marriage she co-habited with her husband Accused No.1 in tenanted premises at Ahmednagar. Her husband was working in Bajaj Finance Company but due to committing some misappropriation he was removed from the service. Thereafter, her Husband/Accused no.1 raised demand of dowry of Rupees Ten Lakhs to open Internet Cafe and said demand was fulfilled by her father. However, there is no statement in the complaint that the Accused Nos. 2 to 6 raised any demand of dowry and for non-fulfillment of said demand she was subjected to cruelty at their hands.

15. Needless to say that the Complainant has not given any specific date about raising of demand of dowry by Accused Nos.2 to 6 and they subjected her to cruelty for non-fulfillment of demand of dowry of Rupees Ten Lakhs. On the contrary, it appears that the Complainant made a statement that her father fulfilled the demand of Rs. Ten Lakhs of the Accused No. 1/Husband but how the said amount was arranged / paid has not been stated. So also, whether the Accused No.1 has started the Internet Cafe or not is also not clear. The Complainant has made omnibus allegations about raising torture against

her by the Accused No. 1 and the Accused Nos. 2 to 6 instigated the Accused No.1. But there is no specific allegations against the Accused Nos.2 to 6 that they have raised demand of dowry and due to non-fulfillment of illegal demand, they subjected the Complainant to cruelty. The Complainant has not given any specific date and particulars of occurrence of incidents at the hands of the Accused Nos. 2 to 6.

16. In para no.5 of complaint, the Complainant made a statement that on 08.06.2013, she was driven out of her matrimonial house with her child after removal of all ornaments from her person but no details of ornaments have been given. On 22.11.2016, the learned trial Court passed the impugned order and issued process against the present Applicants for the offence punishable under Section 498-A, 323 read with Section 34 of the I.P.C., however, the accused were discharged for the offence punishable under Section 324 read with Section 34 of the I.P.C.

17. Section 468 of the Cr.P.C. provides limitation for taking cognizance of offence after expiry of period of limitation as under:

“(a) six months, if the offence is punishable with fine only;

(b) one year, if the offence is punishable with imprisonment for a term not exceeding one year;

(c) three years, if the offence is punishable with imprisonment for a term exceeding one year but not exceeding three years.”

Sub-section 3 of Section 468 provides as under:

“(3) For the purposes of this section, the period of limitation, in relation to offences which may be tried together, shall be determined with reference to the offence which is punishable with the more severe punishment or, as the case may be, the most severe punishment.”

Section 473 of Cri. P.C. provides as under:

S. 473 Extension of period of limitation in certain cases

Notwithstanding anything contained in the foregoing provisions of this Chapter, any Court may make cognizance of an offence after the expiry of the period of limitations, if it is satisfied on the facts and in the circumstances of the case that the delay has been properly explained or that it is necessary so to do in the interests of justice.

18. In the case in hand, the Complainant/Non-Applicant No.2 alleged that the accused have committed an offence under Section 498-A when she was co-habiting with her Husband/Accused No.1 in tenanted premises at Ahmednagar but no specific date, month and year is given. The Non-Applicant No.2 stated in para no.5 that the Accused Nos.2 to 6 beat her mercilessly and drew her out of the matrimonial house on 08.06.2013. Therefore, to my mind, period of limitation under Section 468 of the Cr.P.C., would start w.e.f. 08.06.2013 and maximum period of three years of punishment provided under Section 498-A, which expires on 07.06.2016. However, the Non-Applicant

No.2 filed a complaint RCC No.602/2016 on 07.09.2016 which is beyond the period of three years.

19. Irrespective of above facts, the Complainant has not denied that she filed HMP No.120 of 2015 and prayed for decree of dissolution of her marriage. It is not in dispute that on 10.05.2016, the learned 2nd CJSD, Ahmednagar passed the Judgment and decree in HMP No.120/2015 and dissolved the marriage between her the Accused No.1. On 07.09.2016, the Complainant/N.A.No.2 filed a complaint seeking prosecution of the Applicants/Accused after lapse of four months from passing of the decree of divorce. Therefore, in my view continuing such prosecution would certainly amount to abuse process of law and misusing the Court machinery. Therefore, to prevent the abuse of process of law and to secure ends of justice, it will be just and proper to quash and set aside the criminal proceeding as against these accused persons.

20. It will be worthwhile to mention here that the Applicants have produced the copy of DV proceeding no.445/2015 lodged by the present Non-Applicant No.2 before the CJM, Ahmednagar, wherein, the Non-Applicant No.1 prayed for protection order. On 21.04.2015, the complainant/N.A. No.1 filed a statement before the CJM alleging that the Applicants have raised cruelty on account of demand of dowry. The Complainant further alleged that when she

was cohabiting with her husband in the tenanted premises her husband was having illicit relations with another girl who was residing being a paying guest near their rented premises. When she came to know about illicit relations of her husband/Accused No.1 with said lady, her husband allegedly beat her. Therefore, it appears that there was another reason for matrimonial discord between the Complainant and Accused No.1 but the Complainant has made omnibus allegations about demand of dowry and for want of said demand she was subjected to cruelty, which does not appear to be substantial and *bona fide*. Therefore, continuing the criminal prosecution of the Applicants/Accused would certainly amount to abuse of process of law.

21. In case of **Preeti Gupta and Anr. V/s. State of Jharkhand; AIR 2010 SC 3363**, it has been held as under:

“28. It is a matter of common knowledge that unfortunately matrimonial litigation is rapidly increasing in our country. All the courts in our country including this court are flooded with matrimonial cases. This clearly demonstrates discontent and unrest in the family life of a large number of people of the society.

29. The courts are receiving a large number of cases emanating from section 498-A of the Indian Penal Code which reads as under:-

"498-A. Husband or relative of husband of a woman subjecting her to cruelty.--Whoever, being the husband or the relative of the husband of a woman, subjects such woman to cruelty shall be punished with imprisonment for a term which may extend to three years and shall also be liable to fine. Explanation.--For the purposes of this section, 'cruelty' means:-

(a) any wilful conduct which is of such a nature as is likely to drive the woman to commit suicide or to cause grave injury or danger to life, limb or health (whether mental or physical) of the woman; or

(b) harassment of the woman where such harassment is with a view to coercing her or any person related to her to meet any unlawful demand for any property or valuable security or is on account of failure by her or any person related to her to meet such demand."

30. *It is a matter of common experience that most of these complaints under section 498-A IPC are filed in the heat of the moment over trivial issues without proper deliberations. We come across a large number of such complaints which are not even bona fide and are filed with oblique motive. At the same time, rapid increase in the number of genuine cases of dowry harassment are also a matter of serious concern.*

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33. *The ultimate object of justice is to find out the truth and punish the guilty and protect the innocent. To find out the truth is a herculean task in majority of these complaints. The tendency of implicating husband and all his immediate relations is also not uncommon. At times, even after the conclusion of criminal trial, it is difficult to ascertain the real truth. The courts have to be extremely careful and cautious in dealing with these complaints and must take pragmatic realities into consideration while dealing with matrimonial cases. The allegations of harassment of husband's close relations who had been living in different cities and never visited or rarely visited the place where the complainant resided would have an entirely different complexion. The allegations of the complaint are required to be scrutinized with great care and circumspection. Experience reveals that long and protracted criminal trials lead to rancour, acrimony and bitterness in the relationship amongst the parties. It is also a matter of common knowledge that in cases filed by the complainant if the husband or the husband's relations had to remain in jail even for a few days, it would ruin the chances of amicable settlement altogether. The process of suffering is extremely long and painful."*

22. In case of **Central Bureau of Investigation V/s. Ravi Shankar Srivastava**; (2006) 7 SCC 188, the Hon'ble Supreme Court held as under:

“7. *Exercise of power under Section 482 of the Code in a case of this nature is the exception and not the rule. The Section does not confer any new powers on the High Court. It only saves the inherent power which the Court possessed before the enactment of the Code. It envisages three circumstances under which the inherent jurisdiction may be exercised, namely, (i) to give effect to an order under the Code, (ii) to prevent abuse of the process of court, and (iii) to otherwise secure the ends of justice. It is neither possible nor desirable to lay down any inflexible rule which would govern the exercise of inherent jurisdiction. No legislative enactment dealing with procedure can provide for all cases that may possibly arise. Courts, therefore, have inherent powers apart from express provisions of law which are necessary for proper discharge of functions and duties imposed upon them by law. That is the doctrine which finds expression in the section which merely recognizes and preserves inherent powers of the High Courts. All courts, whether civil or criminal possess, in the absence of any express provision, as inherent in their constitution, all such powers as are necessary to do the right and to undo a wrong in course of administration of justice on the principle "quando lex aliquid alicui concedit, concedere videtur et id sine quo res ipsae esse non potest" (when the law gives a person anything it gives him that without which it cannot exist). While exercising powers under the section, the court does not function as a court of appeal or revision. Inherent jurisdiction under the section though wide has to be exercised sparingly, carefully and with caution and only when such exercise is justified by the tests specifically laid down in the section itself. It is to be exercised ex debito justitiae to do real and substantial justice for the administration of which alone courts exist. Authority of the court exists for advancement of justice and if any attempt is made to abuse that authority so as to produce injustice, the court has power to prevent abuse. It would be an abuse of process of the court to allow any action which would result in injustice and prevent promotion of justice. In exercise of the powers court would be justified to quash any proceeding if it finds that initiation/continuance of it amounts to abuse of the process of court or quashing of these proceedings would otherwise serve the ends of justice. When no offence is disclosed by the complaint, the court may examine the question of fact. When a complaint is sought to be quashed, it is permissible to look into the materials to assess what the complainant has alleged and whether any offence is made out even if the allegations are accepted in toto.”*

23. In the case in hand, the Applicants have invoked jurisdiction of this Court under Section 482 of the Cr.P.C. and prayed for quashment of proceeding, which has been lodged by the N.A. No.2/Complainant on the basis of omnibus allegations after obtaining decree of divorce, which does not appear to be substantial and *bona fide*. So also, the Trial Court passed the impugned order of issuance of process mechanically without considering the scope of Sec. 468 of Cri. P.C., though the complainant has not made any prayer under Sec. 473 of Cri. P.C. Therefore, considering the facts and circumstances of the case coupled with the law laid down by the Hon'ble Supreme Court, I am of the view that this is a fit case to invoke jurisdiction of this Court under Section 482 of the Cr.P.C. for quashing and setting aside Regular Criminal Case (RCC) No. 602 of 2016, as well as impugned order dated 22.11.2016 passed by the learned Judicial Magistrate First Class, Court No. 7, Ahmednagar, whereby process has been issued against the Accused Nos. 2 to 6. In view of above, I proceed to pass the following order:

ORDER:

- i) Criminal Application No.83 of 2017 is hereby allowed.
- ii) The complaint RCC No.602/2016 is hereby quashed and set aside in respect of the present Applicant Nos.2 to 6. Resultantly, impugned order dated 22.11.2016 passed by the learned JMFC, Court No.7, Ahmednagar is hereby quashed and set aside in respect of present Applicant Nos.2 to 6/original Accused Nos.2 to 6 in RCC No.602/2016.

- iii) Rule is made absolute in above terms.
- iv) No order as to cost.

[Y.G. KHOBRADE, J.]