



IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

CRIMINAL APPLICATION NO. 259 OF 2023

1. Mangesh Vikram Kedar
Age : 30 years, Occ : Education
R/o : Lokashya Nagar, New Police Colony, Beed
Tq. and Dist. Beed
2. Vikram Narayan Kedar
Age : 56 years, Occ : Service,
R/o Lokashya Nagar, New Police Colony, Beed
Tq. And Dist Beed
3. Latabai Vikram Kedar,
Age : 52 years, Occ: household.
4. Nilesh Vikram Kedar,
Age : 33 years, Occu: Private Service,
R/o All of above Beed
5. Sushma Bhairinath Ugade
Age, 31 years, Occu. Household,
R/o. At post Vadshivane,
Tq. Karmala, Dist. Solapur
6. Bhairinath Sahebrao Ugade
Age 40 years, Occu. Service,
R/o. At post Vadshivane,
Tq. Karmala, Dist. Solapur
7. Manda @ Kausalya Babanbhai Bansode
Age : 42 years, Occu. Household
R/o. 341 Gokul Nagar, Althan Tenament,
Bhata Road, Surat City/Surat, State : Gujrat ...Applicants

-VERSUS-

1. The State of Maharashtra
Through its Police Inspector,
Police Station, City Police Station, Parali (Vaijinath)
Tq. Parali (V.) Dist. Beed,

2. Seema Mangesh Kedar
Age : 30 yrs, Occ : Household,
R/o. Mo. Post, Swami Nagar, Parali City,
Tal. Parali (V) Dist. Beed ...Respondents

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Advocate for Applicants : Sartaj H. Pathan h/f. Mr. H. P Bondar
A.P.P for Respondent/State : Mr. A. R. Kale
Advocate for Respondent No.2 : Mr. Aashish T. Jadhavar

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**CORAM : SMT. VIBHA KANKANWADI AND
ROHIT W. JOSHI, JJ.**

DATED : 27.03.2025

JUDGMENT (PER ROHIT W. JOSHI, J.) :

1. The present application is filed under Section 482 of the Code of Criminal Procedure *inter alia* challenging FIR No.250 of 2022 registered with Parali (V) Police Station, Dist. Beed on 10.11.2022 for the offences punishable under Section 498-A, 323, 504, 506 read with Section 34 of the Indian Penal Code, 1860 (for short “the IPC”) along with Regular Criminal Case No. 377 of 2022 which is pending before the learned Judicial Magistrate, First Class, Parali (V).

2. Respondent No.2 is the informant and applicants are related to respondent No.2 as under:-

Applicant No. 1 – Husband
Applicant No. 2 – Father-in-law
Applicant No.3 – Mother-in-law
Applicant No.4 – Brother-in-law
Applicant No.5 – Married Sister-in-law
Applicant No.6 – Husband of applicant No.5

Applicant No.7 – Wife of brother of applicant No.3

3. The marriage of respondent no.2 with applicant no.1 was solemnized on 14.11.2016. Respondent no.2 has lodged the impugned FIR on 10.11.2022 alleging that her husband and in-laws i.e. applicants herein, used to harass her mentally and physically on petty household issues and also on the ground that she could not conceive a child. It is alleged that respondent no.2 was not offered her food at times and was also beaten on trivial grounds. She has alleged that on 20.09.2022 whilst scrolling the content in the mobile of her husband, she found photographs of her husband/applicant No.1 with wife of brother of applicant no.3 i.e. applicant no.7. The allegation is that applicant No.1 had illicit relations with wife of his maternal uncle.

4. She states that as she made inquiries with applicant no.1 confronting with him with the said photographs, applicant no.1 had beaten her physically. She has alleged that her parents-in-law, applicant nos.2 and 3 and other applicants also abused her on the ground that she had leveled allegation of illicit relations between applicant Nos.1 and 7. Respondent No.2 has alleged that applicant no.2-father-in-law and other in-laws forced her to leave the matrimonial home because of the allegations leveled by her against applicant nos.1 and 7. She has also alleged that while she was forced to leave the matrimonial home

on 20.09.2022 the applicant nos.1 and 3 forcibly snatched her bag and ornaments from her. She then states that she had approached the Women's Counseling Center in order to explore the possibility of peaceful settlement. However, although applicant nos.1 to 3 i.e. husband and parents-in-law appeared before the Women's Counseling Center they were determined not to settle the matter and threatened respondent no.2 to do whatever she wanted to do.

5. After hearing the matter for a while we had expressed our disinclination to grant any relief to applicant no.1-husband. Learned Advocate for the applicants made oral motion on instructions to withdraw the application as regards applicant no.1. On such oral motion being made, application was withdrawn as against applicant no.1 and we proceeded to hear the matter on merits for other applicants.

6. We have perused the FIR, documents in the charge sheet and other documents filed by the applicants along with the criminal application. On going through the FIR and statements recorded under Section 161 of the Cr. P. C., we find that there are no allegations against applicant nos.2 to 7 to remotely attract the ingredients of Section 498-A of IPC. Principal allegations are against applicant no.1-Husband. It needs to be mentioned that even general allegations are not leveled

against them individually. As regards applicant no.7, it is alleged that she was involved in illicit relationship with applicant No.1, however, even if it is assumed to be true the ingredients of Section 498-A will not be attracted.

7. In view of the aforesaid, continuation of prosecution against applicant nos.2 to 7 will amount to abuse of the legal process. It is therefore expedient in the interest of justice to quash the FIR and the consequential criminal proceeding against them in exercise of powers under Section 482 of the Code of Criminal Procedure. The application is therefore partly allowed and disposed of. Hence we pass the following order:-

ORDER

- (i) The application is disposed of as withdrawn with respect to applicant no.1-Mangesh Vikram Kedar.
- (ii) The application is allowed with respect to applicant no.2-Vikram Narayan Kedar, applicant no.3- Latabai Vikram Kedar, Applicant No.4, Nilesh Vikram Kedar, Applicant No.5- Sushma Bhairinath Ugade, Applicant No.6- Bhairinath Sahebrao Ugade and Respondent No.7- Manda @ Kausalya Babanbhai Bansode for the offences punishable under Section 498-A, 323, 504, 506 read with Section 34 of the Indian Penal Code, 1860 (for short "the IPC") and Regular Criminal Case No.

377 of 2022 which is pending before the learned Judicial
Magistrate, First Class, Parali (V) are quashed against them.

[ROHIT W. JOSHI]
JUDGE

[SMT. VIBHA KANKANWADI]
JUDGE

Narwade