



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

17 CRIMINAL APPLICATION NO. 423 OF 2023

1. Mahesh Babasaheb Sonawane,
Age : 32 Years, Occu. : Agri./Business,
R/o. Godegaon, Tq. Newasa,
Dist. Ahmednagar.
2. Babasaheb Sheshrao Sonawane,
Age : 58 Years, Occu. : Agri.,
R/o. Godegaon, Tq. Newasa,
Dist. Ahmednagar.
3. Pushpa Babasaheb Sonawane,
Age : 55 Years, Occu. : Household,
R/o. Godegaon, Tq. Newasa,
Dist. Ahmednagar.
4. Ashok Sheshrao Sonawane,
Age : 56 Years, Occu. : Service,
R/o. Godegaon, Tq. Newasa,
Dist. Ahmednagar.
5. Dilip Sheshrao Sonawane,
Age : 48 Years, Occu. : Agri.,
R/o. Godegaon, Tq. Newasa,
Dist. Ahmednagar.
6. Sampat Sheshrao Sonawane,
Age : 45 Years, Occu. : Service,
R/o. Godegaon, Tq. Newasa,
Dist. Ahmednagar.
7. Renuka Ashok Sonawane,
Age : 52 Years, Occu. : Household,
R/o. Godegaon, Tq. Newasa,
Dist. Ahmednagar.

8. Lilabai Dilip Sonawane,
Age : 46 Years, Occu. : Household,
R/o. Godegaon, Tq. Newasa,
Dist. Ahmednagar.
9. Manisha Sampat Sonawane,
Age : 43 Years, Occu. : Household,
R/o. Godegaon, Tq. Newasa,
Dist. Ahmednagar.
10. Sainath Gopinath Hulhule,
Age : 39 Years, Occu. : Professional,
R/o. Godegaon, Tq. Newasa,
Dist. Ahmednagar.
11. Kaveri Sainath Hulhule,
Age : 30 Years, Occu. : Household,
R/o. Godegaon, Tq. Newasa,
Dist. Ahmednagar.

.... Applicants

VERSUS

1. The State of Maharashtra,
Through Police Station Officer,
Police Station Sonai,
Tq. Newasa, Dist. Ahmednagar.
2. Jyoti Mahesh Sonawane,
Age : 24 Years, Occu. : Household,
R/o. Khedale Kajali, Tq. Newasa,
Dist. Ahmednagar.

.... Respondents

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Advocate for Applicants : Mr. Manoj A. Dond
APP for Respondent No.1-State : Mrs. P.R. Bharaswadkar
Advocate for Respondent No.2 : Mr. Adinath B. Jagtap
....

**CORAM : SMT. VIBHA KANKANWADI &
SANJAY A. DESHMUKH, JJ.**

Dated : 01st July 2025

PER COURT :-

1. The present application has been filed for quashment of the proceedings in R.C.C. No.304 of 2022, pending before the learned Judicial Magistrate First Class, Newasa, Tq. Newasa, Dist. Ahmednagar, for the offences punishable under Sections 498-A, 323, 504, 506 read with Section 34 of the Indian Penal Code, 1860 (for short “the I.P.C.”).

2. Heard learned Advocate for both sides as well as learned APP for the State. Perused the affidavit-in-reply and the documents filed by respondent No.2/informant.

3. Learned Advocate appearing for the applicants submits that, unnecessary, sweeping allegations have been made by respondent No.2/informant against all the family members. Applicant Nos.4, 5 and 6 are the paternal uncles of the husband of the informant and applicant Nos.7, 8 and 9 are the wives of applicant Nos.4, 5 and 6, respectively. Applicant No.11 is the sister of the husband of the informant and applicant No.10 is her husband. All these persons are residing separately and there is absolutely no reason for them to make any kind of demand. The evidence has been

collected is in the form of statements of witnesses, which are copy paste. Though the applicants had approached this Court earlier by filing Criminal Application No.2901 of 2022, at that time, it was only for the quashment of the First Information Report (for short “the F.I.R.”). By judgment and order dated 27.09.2022, this Court rejected the said application on the ground that the evidence is yet to be collected. But, now, the investigation is over and the charge-sheet is filed. Taking into consideration the contents of the F.I.R., it can be stated that exaggerated facts have been disclosed for roping all the family members.

4. Learned Advocate appearing for respondent No.2/informant, by relying upon the affidavit-in-reply of the informant, submits that though applicant No.1/husband had issued a notice to her for joining the company of the husband, it was immediately replied. But still applicant No.1 had not taken her for cohabitation. He has filed Hindu Marriage Petition bearing No.71 of 2020, before the learned Civil Judge Senior Division, Newasa, under Section 9 of the Hindu Marriage Act, 1955. In spite of this position, it appears that he has performed second marriage and a son has been born to him on 28.11.2022. A true copy of the information, which was supplied to the Grampanchayat, has been produced. It shows the name of the mother of the child is different and not the informant.

The subsequent events are also then required to be considered. All the applicants are residing adjacent to each other and collectively carry out the affairs. Therefore, with such ulterior motive, the suppression of the subsequent events has been done. Thus, this is not a fit case where the Court should exercise its powers under Section 482 of the Code of Criminal Procedure, 1973 (for short “the Cr.P.C.”).

5. At the outset, it is to be noted here that when this Court has passed the judgment and order on 27.09.2022 in Criminal Application No.2901 of 2022, the allegations in the F.I.R. were considered and it was the speaking order, thereby that application came to be rejected. The contents of the F.I.R. are now the same. The additional evidence that has been gathered is in the form of statements of witnesses. Of course, the charge-sheet appears to be filed on 30.06.2022 and if we consider the information that was supplied to the Grampanchyat regarding birth of the son of applicant No.1, it can be seen that the place of birth is stated to be St. Ann's Hospital, Ghodegaon, Tq. Newasa, Dist. Ahmednagar i.e. the same place where the applicants are residing. Certainly, on 30.06.2022, the said lady would have been carrying pregnancy of about three to four months and it appears that the Police Head Constable, who had conducted the investigation, had not made efforts to go to the village where the applicants are residing.

6. The police station is Sonai Police Station. It shows the witnesses, whose statements taken by him under Section 161 of Cr.P.C., are from different villages than Ghodegaon. If he would have gone to the house of the applicants, he would have realized the fact regarding the lady in the house. Now, when the marriage is subsisting with respondent No.2/informant, if a second lady gives birth to the child of applicant No.1, then certainly as per our prima facie opinion, it would amount to mental cruelty as contemplated under Section 498-A of I.P.C. and when they are from the same village, it is hard to believe that the other applicants were not aware about the same. Therefore, it would be a matter of fact which has to be gone into the trial court as to whether the other applicants had the knowledge regarding the presence of another lady in the house and giving birth to the child of applicant No.1.

7. We reiterate that we already expressed the opinion in respect of the contents of the F.I.R. in our earlier order and therefore, we do not find this to be a fit case where we should exercise our powers under Section 482 of Cr.P.C. The application stands rejected.

[SANJAY A. DESHMUKH]
JUDGE

[SMT. VIBHA KANKANWADI]
JUDGE