



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

CRIMINAL APPLICATION NO. 519 OF 2023

1. Sheetal w/o Deepak Palhal
Age: 32 years Occ. Housewife,
R/o Plot No. 6 Sanjay Nagar Samshan
Mandir road galli No. 1 Aurangabad.

(married sister in law of respondent No. 2)

2. Soniya w/o Vijay Bomble
Age: 28 years occu: Housewife
R/o Flat No. 32 Avadh Annex A-wing
Survey No. 330 Plot No. 1
Samarthnagar Nashik.

(married sister in law of respondent No. 2) **... Applicants**

Versus

1. The State of Maharashtra
Through Begampura Police Station,
Aurangabad
2. Pooja @ Kalyani W/o Sushil Khillare
Age: 26 years Occ: Housewife
R/o C/o Pandurang Gore
Surewadi Jadhavwadi Aurangabad.

... Respondents

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Mr. Kachru Ananda Ingle, Advocate for Applicants.

Smt. P. R. Bharaswadkar, APP for Respondent No.1 / State.

Mr. Ravindra B. Ade, Advocate for Respondent No.2.

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

DATE : 05th February, 2025.

ORDER: (Per Sanjay A. Deshmukh, J.)

. Heard the learned advocates for the respective parties.

2 This is an application under Section 482 of the Code of Criminal Procedure, 1973 (for short “the Cr.P.C.”) for quashing the proceedings in R.C.C. No.549 of 2023, pending in the Court of the learned VIth Judicial Magistrate First Class, Aurangabad, arising out of FIR bearing C.R. No.196 of 2022, dated 11th November, 2022, registered with Begumpura Police Station, District Aurangabad, for the offence punishable under Sections 498-A, 323, 504 and 506 read with 34 of the Indian Penal Code (for short “IPC”).

3 The informant averred in the report that she married with accused No.1, brother of these applicants, on 10th December, 2013. After the marriage, she was treated well for six months. The mother-in-law of the informant used to search mistakes of the informant, taunting, abusing and teasing her frequently. She used to insult her frequently. When she told those facts to her husband, he also used to abuse and beat her. The Applicants Sheetal and Soniya used to come to her house and abuse her alongwith mother-in-law. For some days, she was taken to Mumbai by her husband. When she was at Mumbai on 25th July, 2014, the applicants alongwith mother-in-law came to Mumbai and they demanded Rs.5,00,000/- for securing a job for the

husband of applicant No.2 in the Adivasi Vikas Mahamandal. They said her to make phone call to her father for that amount of Rs.5,00,000/-. She refused to make phone call to her father. Then the applicants and mother-in-law of informant said to her husband to leave the informant to her parents' house, as she is not paying that amount, as she is of no use. She was compelled to make phone call to her father. That time, the mobile handset was put on speaker mode. Her father said that, he had already borne the heavy expenses of marriage and he is not having that amount with him. Thereafter, she was again treated with cruelty. On 27th December, 2014, while informant was cooking food, the smoke of tempering was spread. That time, the mother-in-law of the informant went to kitchen and caught hold her ear and brought her into hall / living-room. She said why this buffalo has been brought in the house. She abused her and slapped her. After she begotten a son in the year 2015, the husband of the informant demanded money for purchasing the flat. She brought Rs.4,00,000/- from her father. Her father raised that amount by taking loan and hand-loan. That flat was given to applicant No.1 – Sheetal for residing. It is further averred in the report that on 25th December, 2020, her husband came from Ratnagiri to Aurangabad. That time, the applicants and her in-laws instigated her husband and her husband demanded Rs.10,00,000/- for purchasing a flat at Mumbai. The informant said that how can she demand that amount to her father.

That time, her husband beat her and said that he will give divorce to her and perform second marriage. It is further averred in the report that on 31st December, 2020, the electricity supply in her house went off. Therefore, she went outside the house. That time, her husband, in-laws and both these applicants abused and beat her by kick and fist blows. On 2nd January, 2021, on the instigation of the applicants, her parents-in-law and her husband expelled her out of the house and said her unless you are bringing Rs.10,00,000/- for purchasing the flat at Mumbai, she shall not come in the house. Since then, she is residing with her parents. Her father made complaint to Women Cell at Aurangabad. Her husband did not respond. Compromise could not take place. Therefore, she lodged the report.

4 The learned counsel for the applicants submitted that applicant No.1 is residing at Sanjay Nagar Samshan Mandir Road Galli No.1, Aurangabad and applicant No.2 is residing at Samarthnagar Nashik. They are married and residing with their husbands. Their names are falsely stated in the report and they are falsely implicated in the crime. Delay is caused for lodging the report, which is not explained. He lastly prayed to allow the application.

5 The learned APP strongly opposed the application and submitted that the names of the applicants are mentioned in the report with specific incidents. The applicants have treated the informant with

cruelty. Therefore, they are liable for causing cruelty to the informant. It is lastly prayed to reject the application.

6 The learned counsel for respondent No.2 also strongly opposed the application and submitted that there was illegal demand for purchasing the flat for two times. The informant was frequently harassed as stated by her in the report. The names of the applicants are mentioned in the report. For securing a job to the husband of applicant No.2, an amount of Rs.5,00,000/- was demanded. The cruelty is thus, coupled with the demand. He lastly prayed to reject the application.

7 Perused the report. No doubt the report shows the name of the applicants. However, though there are allegations of demand of the money against the applicants, it is not stated as to exactly when these applicants came there and they demanded that amount to the informant. From the report itself, it is crystal clear that the informant has begotten a son. She was residing with her husband. The applicants are residing with their husbands separately at Aurangabad and Nashik respectively. From bare reading of the report, it does not inspire confidence, *prima-facie*, that the applicants might have treated the informant with cruelty by demanding certain amounts frequently and abusing her and instigating her husband for treating the informant with cruelty. If all these aspects are considered together and if the

applicants are compelled to face the trial, it would be certainly an abuse of the process of Court. We are, therefore, inclined to allow the application. Hence, the following order:-

ORDER

- I. The application is allowed in terms of prayer clauses (B) and (B-1).
- II. The application stands disposed of.

[SANJAY A. DESHMUKH, J.] [SMT. VIBHA KANKANWADI, J.]

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