



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 730 OF 2023

1. Ashwin Arun Gore (withdrawn)
2. Shobha Arun Gore
3. Ajit Arun Gore
4. Ashwini Ajit Gore ...Applicants

versus

1. The State of Maharashtra
2. Gayatri Ashwin Gore ...Respondents

.....
Mr. Akshay S.Tilve and Kiran K. Rokde advocates for applicants
Mr. S.A. Gaikwad, A.P.P. for respondent No.1
Mr. Yogesh D. Kale, advocate for respondent No.2
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**CORAM : SMT. VIBHA KANKANWADI AND
SANJAY A. DESHMUKH, JJ.
DATED : 12th FEBRUARY, 2025**

PER COURT (PER SANJAY A. DESHMUKH, J.):-

1. This court, by an order dated 08.12.2023 has disposed of the application of applicant No.1 as withdrawn, now this application is restricted to the extent of applicant Nos. 2 to 4.

2. The applicant Nos. 2 to 4 have filed this application, under Section 482 of the Code of Criminal Procedure, 1973, seeking quashment of F.I.R. No. 602 of 2022, registered with Vivekanand Chowk police station, Latur, district Latur, for the offences punishable under sections 498-A, 323, 504, 506 r.w. 34 of I.P.C. and the

consequential criminal case bearing R.C.C. No. 1836 of 2022, pending before the 2nd Joint Judicial Magistrate, First Class, Latur.

3. Learned advocate for the applicants pointed out the report, in which it is averred that, the marriage of the informant Gayatri was solemnized with accused No.1 Ashwin Gore on 05.05.2021. It is alleged that entire marriage expenses were borne by the father of the informant. At the time of marriage, the husband of the informant was not having job. The accused persons used to ask the informant to bring an amount of Rs.10,00,000/- from her father for getting the job for accused No.1. When the informant refused to bring such amount, the accused persons started harassing the informant and beating her by fist and kick blows. Even the mediation of father of the informant was unsuccessful. Due to harassment, on 28.5.2022, the father of the informant took her at his house. Since nobody came to take the informant from her parental house, the brother of the informant took her to her matrimonial home at Tuljapur. There the accused No.1 and the present applicants assaulted her and refused to cohabit with her. It is with these allegations, the informant has lodged the report.

4. Learned advocate for the applicants submits that there are no specific allegations against the present applicants. All these applicants are relatives and there is no evidence against them. The

report is lodged on assumption and surmises based on concocted story put-forth by the informant. The allegation of demand of Rs.10,00,000/- is without any basis, as the name of accused No.1 was already included in the list of persons, who are to be appointed on compassionate ground. Applicant Nos. 2 to 4 are residing separately from accused No.1 and therefore, they are not interested in the family matter between accused No.1 and the informant. The informant has filed a petition for divorce on 11.8.2022 i.e. two months prior to lodging of the F.I.R. It seems that she is not interested in cohabiting with the accused No.1. Learned advocate further submits that the applicants have been falsely implicated in the crime and hence based on these omnibus and baseless allegations, asking the applicants to face the trial, would be an abuse of process of court. Therefore, he prayed to quash the report as well as the charge sheet.

5. Learned A.P.P. for respondent No.1 State vehemently objected the application and submitted that being the family members and close relatives of the informant, they have abused and harassed the informant mentally and physically. Even they beat the informant by fist and kick blows. These are specific role attributed to each of the applicants. Even there was demand of money at the instance of the applicants for getting job to accused No.1. The names of the applicants are mentioned in the report with their specific role. They

cannot be exonerated from the criminal liability. Learned A.P.P. therefore, prayed to reject the application.

6. Learned advocate for respondent No.2-informant submits that the names of the applicants are mentioned in the report. On account of non fulfillment of demand of money, the applicants used to ill-treat the informant and even used to beat her by fist and kick blows. The applicants have treated the informant with cruelty, which constitute the offences as referred in the report. Learned advocate for respondent No.2 prayed to reject the application.

7. Upon perusal of F.I.R. and the charge sheet, it appears that the informant has lodged the report on assumption and presumption. There is no question on the part of the applicants of demanding amount of Rs.10,00,000/- for getting job, as the name of accused No.1 was already included in the list of persons, who are to be appointed on compassionate ground. Though applicant Nos. 2 to 4 are residing in the same area, but they are residing separately from accused No.1 and therefore, it cannot be said that they are involved in the dispute between accused No.1 and the informant. It further appears that the informant has filed a petition for divorce two months prior to lodging of F.I.R. and from the above conduct, it can be inferred that she is not interested in cohabiting with the accused

No.1. Thus, the allegations made against the applicants are vague and general in nature. The essential ingredients of Section 498-A and other offences of I.P.C. as alleged, are not establishing from the report and the charge sheet. In such circumstances, if the applicants are asked to face the trial, certainly, it would be an abuse of process of court. In view of above, we are inclined to allow the application to the extent of applicant No.2 to 4. Hence, we pass the following order:-

O R D E R

- I. The application is allowed.
- II. The F.I.R. No. 602 of 2022, registered with Vivekanand Chowk police station, Latur, district Latur, for the offences punishable under sections 498-A, 323, 504, 506 r.w. 34 of I.P.C. and the consequential criminal case bearing R.C.C. No. 1836 of 2022, pending before the 2nd Joint Judicial Magistrate, First Class, Latur, are quashed to the extent of applicant Nos.2 to 4 herein.

(SANJAY A. DESHMUKH, J.) (SMT. VIBHA KANKANWADI, J.)

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