



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

CRIMINAL APPLICATION NO. 911 OF 2023

1. Sital @ (Shital) W/o Kiran Chabukswar
Age: 39 years, Occu: Service (Teacher)
2. Kiran S/o Janardhan Chabukswar
Age: 41 years, Occu: Service (Teacher)

All above applicants, R/o. Plot No. 4,
Near Baliram Patil School,
Agasti Housing Society,
CIDCO, N-9, M-2, Aurangabad.
Tq. Aurangabad, Dist. Aurangabad.

... Applicants
(Orig. Accused 4 and 5)

Versus

1. The State of Maharashtra
Through the Police Inspector / Investigation Officer,
Police Station Newasa,
Tq. Newasa, Dist. Ahmednagar.
2. Sau. Pallavi W/o Sushilkumar Makasare,
Age: 26 years, Occu: Household.,
R/o. B-23/6, Sangharsh Nagar, Mukundwadi
N-2, Cidco, Aurangabad,
At Present Chilekhanwadi
Tq Newasa (ori. informant)
Dist. Ahmednagar.

... Respondents

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Mr. Milind B. Sandanshiv, Advocate for Applicants.

Mr. A. R. Kale, APP for Respondent No.1 / State.

Mr. Amol D. Pawar, h/f Mr. H. D. Deshmukh, 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 FIR bearing C.R. No.1021 of 2022, dated 15th November, 2022, registered with Newasa Police Station, District Ahmednagar, for the offences punishable under Sections 498-A, 323, 326, 504 and 506 read with 34 of the Indian Penal Code (for short "IPC").

3 The informant averred in the report that she is residing with her husband at Sangharsh Nagar, Mukundwadi, N-2, Cidco, Aurangabad, having daughter Shreya, mother-in-law Shaila, father-in-law Sudhakar and applicant No.1 (sister-in-law) alongwith her two children. Applicant No.2 is husband of applicant No.1 and residing at N HUDCO, Aurangabad. He used to come to visit applicant No.1 on every Saturday and Sunday. Informant's husband and applicant No.1 were teaching in Ryan International School, Paithan Road, Aurangabad. Initially, the informant was treated well. Thereafter, all the accused have started to harass her. When applicant No.2 used to come to the house of informant on Saturday and Sunday, he used to instigate her husband. They were treating the informant with cruelty.

One Sarpanch Tukaram Gunjal mediated the matter. However, all the accused were not paying heed to him.

4 On 13th February, 2020, husband of the informant and the mother-in-law Shaila came to Chilekhanwadi for a ritual of paying homage to informant's late uncle Suranjan Kamble. That time, they said that the informant is not able to do anything properly. She is lunatic. Their Innova car is old. The husband of the informant has to purchase a new car. At that time, her husband demanded Rs.5,00,000/-. They took quarrel with her father for that amount. Her husband said that he will not allow the informant to cohabit. When she gave birth to daughter Shreya on 25th September, 2020, her husband and his family members questioned the child's paternity. On 5th May, 2022, at the time of marriage of cousin brother of informant namely, Adesh Kamble, the husband of the informant said to her father that the informant is not able to do house chores properly. The husband said that the daughter of the informant is not of mine.

5 On 6th September, 2022, when the informant went to her husband in early morning at 06:00 am, she saw that he was talking with one woman. She asked him as to who that woman is ? At that time, the husband said that he has already told the informant that he is having love affair with the said woman, who is beautiful than the

informant. That time, the husband said that the informant is not able to do the house chores properly. He also said that the informant is not educated. She is not bringing Rs.5,00,000/- for purchasing a car. That time, her husband assaulted her by fist blows on the cheeks and by wooden log on her left ribs. Her father-in-law caught hold her hair and pushed her on the ground. That time, applicant No.1 slapped her. The informant fell down. They did not allow her to go outside the house. Her mobile handset was taken out. She secretly took the mobile handset of her mother-in-law Shaila and informed that incident to her brother Mangesh Kamble. She also talked with her father on conference phone call. Her father alongwith Sarpanch Gunjal and one Sanjay Sawant came to Aurangabad. They questioned her family members as to why they have beaten the informant. That time, they accepted that they have committed mistake and apologized. That time, her father took her in Pawar Hospital at Kukana. On 4th October, 2022, the informant filed application to Bharosa Cell, Ahmednagar. The accused persons were present for three dates. There were pains to her ribs. She was taken to Vighnaharta Hospital, Newasa Phata on 12th November, 2022. The doctor said that the rib of the informant is fractured. She applied to Bharosa Cell for compromising the matter. Thereafter, she got letter from Bharosa Cell and lodged the report.

though the names of the applicants are mentioned in the report, there are vague and general allegations against them. They are residing at Agasti Housing Society, Aurangabad. The informant and her husband were residing at Cidco, Aurangabad. They are falsely implicated in the crime. Their role is not specifically stated with the particular incident as to how they treated the informant with cruelty. He lastly prayed to allow the application.

7 The learned APP strongly opposed the application and submitted that the names of the applicants are mentioned in the report. There is reliable evidence against the applicants. It is lastly prayed to reject the application.

8 The learned counsel for respondent No.2 also strongly opposed the application and submitted that applicants have demanded Rs.5,00,000/- for purchasing a car. They are involved in this crime. He lastly prayed to reject the application.

9 Though there are allegations of harassment on the part of these applicants, there is no specific, *prima-facie*, allegations against the applicants that they demanded money for purchasing the car etc. The applicants are residing separately. It is not alleged that they assaulted the informant and caused injury to her ribs. If all these allegations are considered together, there is no, *prima-facie*, evidence

of cruelty as defined in Section 498-A of the IPC against the applicants to proceed further with the trial. If they are compelled to face the trial, it would certainly be 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 clause (B).
- II. The application stands disposed of.

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

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