



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 1140 OF 2024

1. Yogesh s/o. Gorakhnath Patil (withdrawn)
2. Geeta w/o Yogesh Patil
3. Manisha w/o Krushna Jagtap
4. Komal w/o Pradip Argade
5. Ashabai wd/o Gorakhnath Patil
6. Vishal s/o Gorakhnath Patil ...Applicants

versus

1. The State of Maharashtra
2. Smt. Yogita w/o Satish Gande ...Respondents

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Mr. Sachin M. Nannaware, advocate for the applicants
Mr. N.R. Dayama, A.P.P. for respondent No.1
Ms. Sheetal Salunke, advocate for respondent No.2

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**CORAM : SMT. VIBHA KANKANWADI AND
SANJAY A. DESHMUKH, JJ.
DATED : 3rd FEBRUARY, 2025**

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

1. After hearing for some time, when this Court expressed disinclination to allow the application of applicant No.1, learned advocate for the applicants, on instructions, seeks leave to withdraw the application of applicant No.1. Leave granted. The application of applicant No.1 - Yogesh s/o. Gorakhnath Patil, stands dismissed as withdrawn.

2. In so far as applicant Nos. 2 to 6 are concerned, by this

application, filed under Section 482 of the Code of Criminal Procedure, 1973, they seek quashment of F.I.R. No. 525 of 2023, registered with Gangapur police station, Gangapur, district Chhatrapati Sambhajinagar, for the offences punishable under sections 354, 452, 323, 504, 506, 143, 147 of I.P.C. and the consequential criminal case R.C.C. No. 682 of 2023.

3. Learned advocate for the applicants pointed out the report, in which it is averred that, the informant Yogita married with Satish Sitaram Gande in the year 2012. Out of the said wedlock, the couple was blessed with two children viz. Sarthak, aged 10 years and Samruddhi, aged 8 years. The husband of the informant was addicted to liquor. She was not residing with him. Her mother-in-law was having agricultural land at village Jikthan. She sold the said land and purchased the agricultural land at village Ambewadi and a house in Deolegalli, Gangapur. The informant is residing there. She had no source of income. Therefore, she is serving as a Nurse in Wakde Hospital. It is further averred in the report that her brother-in-law (accused No.3, whose application came to be withdrawn), resides in Bhavani Nagar, Gangapur, used to call her on mobile phone. On 17.11.2023, accused No.3 made a Whatasapp call to her and told her that since her husband is not residing with her, he will satisfy her need. The informant refused to do so. At that time, accused No.3

threatened her that he will see to her. He also threatened her that he will remove her from that house and will not give agricultural land to her. When she told about the same to her in-laws and her parents, they advised her not to talk on the said subject but on the subject of property. On 20.11.2023, the applicants came to her house. They threatened her in filthy language. They said that they will not deposit the amount in the name of her children and will not give any property to them. They also threatened the informant that she can do whatever she wants. 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. The main allegations are made against accused No.3, whose application came to be withdrawn. All these applicants are relatives and there is no evidence against them. He further submits that the applicants have been falsely implicated in the crime. Therefore, he prayed to quash the report as well as the charge sheet.

5. Learned A.P.P. for respondent No.1 State strongly opposed the application by submitting that the applicants have treated the informant with cruelty, physically as well as mentally. The names of the applicants are mentioned in the report. They cannot be

exonerated from the criminal liability. It is lastly 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 with specific role attributed to them. The applicants have treated the informant with cruelty, which constitute the offences referred in the F.I.R. the applicants had forcefully entered in the house of the informant and abused her in filthy language and even assaulted her. It is lastly prayed to reject the application.

7. Perused the F.I.R. and the charge sheet. From the report, it is crystal clear that the talks took place between the informant and applicant Nos.2 to 6 on account of landed property and money. The husband of the informant was addicted to liquor. In so far as the present applicants are concerned, the allegations made against them are vague and general in nature. No specific nature of allegations are made against the applicants so as to constitute offences which are invoked against them. In such circumstances, if the applicants are compelled to face the trial, it would be certainly an abuse of process of law. Therefore, we are inclined to allow the application to the extent of applicant No.2 to 6. Hence, the following order:-

O R D E R

- I. The application is allowed.

- II. The F.I.R. No. 525 of 2023, registered with Gangapur police station, Gangapur, district Chhatrapati Sambhajinagar, for the offences punishable under sections 354, 452, 323, 504, 506, 143, 147 of I.P.C. and the consequential criminal case bearing R.C.C. No. 682 of 2023, are quashed and set aside to the extent of applicant Nos.2 to 6 herein.

(SANJAY A. DESHMUKH, J.)

(SMT. VIBHA KANKANWADI, J.)

rlj/