



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

30 CRIMINAL APPLICATION NO.1225 OF 2023

- 1 Umesh Dhanraj Patil (Bhosale),
Age 32 yrs., Occ. Agri.,
- 2 Sunandabai w/o Dhanraj Patil (Bhosale),
Age 55 yrs., Occ. Household,
- 3 Dhanraj Himmatrao Patil (Bhosale),
Age 65 yrs., Occ. Agri.,
- 4 Gayatri w/o Prakash Patil (Bhosale),
Age 30 yrs., Occ. Household,

Applicant Nos.1 to 4 are r/o Amdade,
Tq. Bhadgaon, Dist. Jalgaon.

- 5 Pratibha w/o Madhusudan Patil,
Age 43 yrs., Occ. Household,
R/o Flat No.13, Shriraj Residency,
Murari Nagar, Nashik.

... Applicants

... **Versus** ...

- 1 The State of Maharashtra
Through the Investigating Officer,
Police Station, Dondaicha,
Dist. Dhule.
- 2 Anjali Umesh Bhosale Patil,
Age 24 yrs., Occ. Household,
R/o C/o Mohan Sahebrao Deware,
At post Karle, Tq. Dondaicha, Dist. Dhule.

... Respondents

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Mr. D.A. Naik, Advocate for applicants

Mr. A.D. Wange, APP for respondent No.1

Mr. A.R. Syed, Advocate (appointed through Legal Aid) for respondent No.2

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**CORAM : SMT. VIBHA KANKANWADI &
ROHIT W. JOSHI, JJ.**

DATE : 14th JANUARY, 2025

ORDER : (PER : SMT. VIBHA KANKANWADI, J.)

1 Present application has been filed initially for quashing First Information Report vide Crime No.18/2023 dated 25.01.2023 registered with Police Station, Dondaicha, Dist. Dhule and later on by way of amendment for quashing charge sheet No.29/2023 i.e. proceedings in Regular Criminal Case No.54/2023 pending before learned Judicial Magistrate First Class, Dondaicha, Dist. Dhule, for the offence punishable under Sections 498-A, 323, 504, 506 read with Section 34 of the Indian Penal Code, 1860.

2 Heard learned Advocate Mr. D.A. Naik for applicants, learned APP Mr. A.D. Wange for respondent No.1 and learned Advocate Mr. A.R. Syed for respondent No.2. In order to cut short, it can be said that they have argued in support of their respective contentions.

3 What is not in dispute is that respondent No.2 got married to applicant No.1 on 19.01.2021. Applicant No.1 and respondent No.2 were previously married and had got divorced from their respective spouses, thereby it was the second marriage for applicant No.1 as well as respondent No.2.

4 After disinclination is shown to grant any relief to applicant Nos.1 and 5, learned Advocate for applicants, upon instructions, seeks withdrawal of the application as against applicant Nos.1 and 5. It was in view of the specific role attributed to applicant Nos.1 and 5 i.e. husband and sister-in-law in the First Information Report as well as in the statements of witnesses.

5 Applicant No.2 is mother-in-law, applicant No.3 is father-in-law and applicant No.4 is co-sister (wife of brother-in-law) of respondent No.2. Perusal of First Information Report would show that applicant No.1 – husband was allegedly assaulting the informant under the influence of liquor without any reason and then when she had asked about the reason for the assault, he started saying that she should explain why her first husband has left her. Then she says that mother-in-law joined husband in demanding the amount from her parents which she had received at the time of first marriage

and then the husband was harassing her for other reasons. She then says that once when she was pregnant, she was admitted by applicant No.1, at that time, applicant Nos.2 to 4 were present and at that time applicant No.1 started raising objection over her chastity. When she replied, it is stated that applicant Nos.1 to 4 got angry, took her shteedhan and confined her in one room and then on 03.02.2022 when there was marriage of her brother, her brother and father had come to invite applicant Nos.1 to 4, at that time, all of them demanded amount of Rs.8,00,000/- for purchase of tractor. There were heat exchanges of words. She then states that while dancing in the function of marriage of her brother she fell down on her stomach when she was pregnant and afterwards when she fell ill, she was admitted to hospital and was required to undergo abortion. She says that accused Nos.2 to 4 had not come to make inquiry about her health. She also states that accused No.4 had assaulted her with broom. Applicant No.2 had kicked her.

6 It is to be noted that a very lengthy First Information Report has been given and trying to give specific role to everyone, but it is to be noted that First Information Report is the result of order of application under Section 156(3) of the Code of Criminal Procedure. Why the co-sister would in any manner harass her, is a question. So also, as regards mother-in-law the allegations are off and on and it appears that those allegations have been

made with some purpose. There is absolutely no role attributed to applicant No.3 – father-in-law. The statements in respect of the fact that when her father and brother had come to give invitation card and alleged demand that was made to them also has not been responded properly by the father. Neither he has gone to Police Station to lodge the report nor he had taken any steps for arranging a meeting with respectable persons for redressal of the complaint of his daughter. Therefore, the exaggeration can be seen in respect of allegations against respondent Nos.2 to 4. Therefore, case is made out for exercising powers under Section 482 of the Code of Criminal Procedure in their favour. Hence, following order.

ORDER

- i) Criminal Application stands partly allowed.
- ii) Criminal Application stands disposed of as withdrawn, after disinclination, as against applicant Nos.1) **Umesh Dhanraj Patil (Bhosale)** and 5) **Pratibha w/o Madhusudan Patil**.
- iii) Criminal Application stands allowed as against applicant Nos.2) **Sunandabai w/o Dhanraj Patil (Bhosale)**, 3) **Dhanraj Himmatrao Patil (Bhosale)** and 4) **Gayatri w/o Prakash Patil (Bhosale)**.

iv) Charge Sheet No.29/2023 i.e. proceedings in Regular Criminal Case No.54/2023 pending before learned Judicial Magistrate First Class, Dondaicha, Dist. Dhule arising out of First Information Report vide Crime No.18/2023 dated 25.01.2023 registered with Police Station, Dondaicha, Dist. Dhule, for the offence punishable under Sections 498-A, 323, 504, 506 read with Section 34 of the Indian Penal Code, 1860 stands quashed and set aside as against applicant Nos.2 to 4.

(ROHIT W. JOSHI, J.)

(SMT. VIBHA KANKANWADI, J.)

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