



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

CRIMINAL APPLICATION NO. 1323 OF 2023

1. Amarsinh S/o. Navnath Patil,
Age 39 years, Occu. Service,
R/o Nandur Madhneshwar
Irrigation Sub-Division No.1,
Vaijapur, District Aurangabad
2. Prabhawati W/o Navnath Kothawale Patil
Age 60 years, Occu. Housewife,
R/o Wakhar Mahamandal,
Ganesh Chitra Mandir Road,
Kallamb, District Osmanabad.
3. Navnath S/o Ravsaheb Kothawale Patil,
Age 67 years, Occu. Agri.,
R/o Wakhar Mahamandal,
Ganesh Chitra Mandir Road,
Kallamb, District Osmanabad.
4. Bhagyashri Santosh Mule,
Age 37 years, Occu. Housewife,
R/o Flat No.404, 4th Floor,
Sailanibaba Jail Road, Nashik.
5. Rajeshri W/o Sandip Shinde,
Age 37 years, Occu. Housewife,
R/o Galli No.3, Samarath Nagar,
Kaij, Tq. Kaij, District Beed.
6. Jayshri @ Dnyaneshwari W/o Nitin Gavhane
Age 34 years, Occu. Housewife,
R/o. B-403, Neorigal Sector No.6,
Sant Nagar, Jalvayu Road,
Moshi Pradhikarna Pune.
7. Santosh S/o Pandurang Mule,

Age 39 years, Occu. Service,
R/o Flat No.404, 4th Floor,
Sailanibaba Jail Road, Nashik

8. Nitin S/o Kondiba Gavhane,
Age 37 years, Occu. Service,
R/o B-403, Neorigal Sector No.6,
Sant Nagar, Jalvayu Road,
Moshi Pradhikaran Pune

...APPLICANTS

-VERSUS-

1. The State of Maharashtra
Through its Police Inspector,
City Police Station, Modha,
Tq. & Dist. Parbhani
2. Jyoti W/o Amrasinh Patil,
Age 33 years, Occ. Household,
R/o Babanagar Wakhar Mahamandal,
Kallamb, District Osmanabad.
At present R/o Khanapur,
Tq. & District Parbhani

..RESPONDENTS

Advocate for the Applicants : Mr. M. S. Karad h/f. Mr. S. S. Thombre

APP for Respondent No.1-State : Mrs. R. P. Gour

Advocate for Respondent No.2- Ms. Neha Udavant h/f. Mr. S. J. Salunke

CORAM : SMT. VIBHA KANKANWADI AND
SANJAY A. DESHMUKH, JJ.

DATED : 29th JANUARY 2025

O R D E R (PER SANJAY A. DESHMUKH, J.) :

1. During the course of arguments, when this Court showed 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. Application of application No.1 is dismissed as withdrawn.

2. In so far as application to the extent of applicant Nos. 2 to 8 is concerned, the same is filed under Section 482 of the Code of Criminal Procedure, 1973 (for short 'the Cr.P.C') for quashing the FIR No.0053 of 2023, registered with the Mondha Police Station, Parbhani, District Parbhani, for the offence punishable under Sections 498-A, 323, 504, 506 read with Section 34 of the Indian Penal Code, 1860 R.C.C. No.496 of 2023, pending before the Chief Judicial Magistrate, Parbhani.

3. It is averred in the report that the marriage of accused No.1 was performed with informant-Jyoti on 06.03.2016. The parents of the informant gave 51 tolas gold ornaments, house appliances and amount of Rs.35 lakh in cash as gift to her husband in that marriage. She was initially treated well for a period of five months. Thereafter, applicant Nos.4, 5 and 6 i.e. sisters-in-law harassed her by alleging that she is not able to cook the food properly. They used to beat her by slapping. The

in-laws i.e. applicant Nos.2 and 3 have also abused and slapped her by alleging that gold rings were not given to her sisters-in-law at the time of marriage. Applicant No.7-Santosh and applicant No.8-Nitin, who are husbands of sisters-in-law of the informant were residing in their house. They were harassing her by saying accused No.1 that don't allow her to stay with him and they will perform his second marriage.

4. It is further alleged that her husband was serving at Mehakar. They were residing under one roof there. With the help of CCTV footage, husband of the informant shoot out some obscene contents while the informant was changing her clothes in the bathroom. The husband of the informant threatened informant that he will make that obscene contents viral. The informant told her parents about the said threatening. They tried to convince all the applicants. The husband of the informant had demanded Rs.10 lakhs to her father which were required to be paid in the Ministry of State Government for getting promotion. At that time, they paid Rs.3 lakhs to him. Thereafter also, the applicants did not treat informant properly. Her husband assaulted her again, therefore, she took treatment in the hospital at Kallamb. Her parents came there on 17.06.2022 and took her to Parbhani. She lodged complaint to the police at Parbhani. At that time, the husband of the informant said that he will not take her for cohabitation. She

received that intimation letter on 23.02.2023. Therefore, she lodged the report on 23.02.2023 against applicants.

5. Learned Advocate for the applicants submitted that the applicants are falsely implicated in the crime. The informant was residing with her husband at Mehkar. Thus, it appears that there is no evidence against the applicants Nos. 2 to 8 to hold that they have treated her with cruelty. He, therefore, prayed to quash the FIR as well as the charge sheet filed against the applicants.

6. Learned APP appearing for respondent No.1-State opposed the application and submitted that applicants are involved in the serious crime. Their names are mentioned in the report. Learned A.P.P. lastly prayed to reject the application.

7. Learned Advocate appearing for respondent No.2 strongly opposed the application and pointed out an affidavit-in-reply filed by the informant. He also pointed out the photographs of the informant which shows that she sustained injuries to her face and hands. He submitted that the applicants are involved in the serious crime of causing ill-treatment to the informant. The essential ingredients of Section 498-A of I.P.C. are established against the applicants. It is lastly

prayed to reject the application.

8. On perusal of the report, it is crystal clear that no specific role in causing of harassment by applicant Nos.2 to 8 is stated in the report. The allegations of beating are made against husband of the informant. It is established that the sisters-in-law of the informant i.e. applicant Nos.4 to 6 are residing at Nashik, Beed and Pune, respectively, along with their husbands. Applicant Nos.2 and 3 i.e. in-laws are residing at Kallamb, District Osmanabad. The allegations against them are of general nature and no specific incident is pointed out. Although, learned Advocate for the informant pointed out NCR dated 18.06.2022 that she was beaten by accused Nos.1 to 4, however, the said allegations are not in consonance with the allegations in the FIR, particularly, as to the date of incident. The allegations against applicant Nos.2 to 8, in the NCR, are general and vague. Informant had preferred not to file any FIR for the offence under Section 498-A of IPC.

9. Considering all these above aspects, the essential ingredients of Sections 498-A, 323, 504, 506 read with Section 34 of IPC are not *prima facie* established against applicant Nos.2 to 8. Therefore, they cannot be compelled to face the trial which would certainly be an abuse of the process of the Court. The application therefore deserves to be

allowed. Hence, we pass the following order:-

ORDER

- (i) The application is allowed with respect to applicant Nos.2 to 8.
- (ii) The FIR No.53 of 2023 registered with Mondha Police Station, Parbhani for the offence punishable under Sections 498-A, 323, 504, 506 r.w. 34 of the IPC as well as Regular Criminal Case No.496 of 2023, pending before the Chief Judicial Magistrate, Parbhani, are quashed and set aside against applicant Nos.2 to 8.

[SANJAY A. DESHMUKH]
JUDGE

[SMT. VIBHA KANKANWADI]
JUDGE

A.G.Narwade