



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

CRIMINAL APPLICATION NO. 1369 OF 2023

- 1] Mayur Baburao Shinde
(Husband of Informant)
Age-35 years, Occupation-Medical Officer,
R/o. Shradha Nivas, India Bank Colony,
Jalna Road, Beed, Tq. & Dist. Beed.
- 2] Prabhavati Baburao Shinde
(Mother in law of informant)
Age-65 years, occupation- Pensioner,
R/o. India Bank Colony, Jalna Road,
Beed, Tq. & Dist. Beed.
- 3] Sameer Baburao Shinde
(Brother in law of informant)
Age-38 years, Occupation-
R/o. India Bank Colony, Jalna Road,
Beed, Tq. & Dist. Beed.
- 4] Jyoti Sameer Shinde
(Wife of Applicant no.3)
Age-35 years, Occupation-Household,
R/o. India Bank Colony, Jalna Road,
Beed, Tq. & Dist. Beed.

... Applicants

Versus

- 1] The State of Maharashtra,
Through Officer In charge
Police Station Chandanzira,
Jalna, Tq. & Dist. Jalna.
- 2] Bhagyashri d/o Vijay Ingale @
Bhagyashri Mayur Shinde
Age-22 years, occupation-Household,
R/o. Krushnaban Colony,
Behind Mahendra Showroom,
Old Jalna, Tq. & Dist. Jalna.

... Respondents

(Respondent no.2 is original informant)

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Mr. Avishkar D. Patil, h/f Mr. Sudarshan J. Salunke, Advocate for Applicants.

Mr. V. K. Kotecha, APP for Respondent No.1 / State.

Mr. D. S. Patil & Mr. S. R. Chaudhari, 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 proceedings in R.C.C. No.943 of 2023, pending in the Court of the learned Judicial Magistrate First Class, Jalna, arising out of FIR bearing C.R. No.90 of 2023, dated 8th March, 2023, registered with Chandanzira Police Station, District Jalna, for the offence punishable under Sections 498-A, 323, 504 and 506 read with 34 of the Indian Penal Code (for short "the IPC").

3 The informant averred in the report that she married with applicant No.1 on 6th January, 2021. Applicant No.2 (mother-in-law of the informant), applicant No.3 (brother-in-law of the informant) and

applicant No.4 (wife of applicant No.3) are residing at India Bank Colony, Shraddha Niwas, Jalna Road, Beed. Applicant No.1 – husband of the informant is a medical practitioner. After marriage, applicant No.1 demanded Rs.5,00,000/- for opening a new hospital. When the informant refused to pay that amount, her husband beat and abused her. The applicants used to tease her on simple reasons. Applicant No.1 checked the call record and messages of mobile handset of the informant and doubted on her character. He assaulted her and threatened to kill her. On 19th April, 2022 at about 02:00 to 03:00 pm, all the applicants demanded Rs.5,00,000/- for opening new hospital. They abused her. Her husband caught hold her hair and hit her head against the wall. She took treatment in the hospital for three days. Then her father came to Beed and took her to Jalna. On 20th December, 2022, she made complaint to the Women's Grievance Redressal Cell, Jalna. However, the matter was not resolved there. Therefore, she lodged the report.

4 The learned counsel for the applicants submitted that the applicants are falsely implicated in the crime. There are omnibus allegations against the applicants. The informant was having illicit relationship with one Amol Gadekar, which is revealed from the chatting between them. Applicant No.1 had filed a petition bearing Petition No.164 of 2022 against the informant for divorce on the

ground of cruelty. The role of other applicants is not, *prima-facie*, established from the report. He submitted that if the applicants are compelled to face the trial, it would be abuse of the process of Court. He, therefore, prayed to allow the application.

5 The learned APP strongly opposed the application and submitted that the names of the applicants are mentioned in the report. There is *prima-facie* strong evidence against the applicants. It is lastly prayed to reject the application.

6 The learned counsel for respondent No.2 also strongly opposed the application and submitted that applicants have demanded Rs.5,00,000/- for opening a new hospital. They are involved in the crime. Role of the applicants is specifically mentioned in the report. He lastly prayed to reject the application.

7 Perused the report and other documents.

8 The main and specific allegations are against applicant No.1 – husband that he demanded Rs.5,00,000/- for opening new hospital. He used to abuse and beat the informant. He used to check the call details record and messages in the mobile handset of the informant and doubt her character. On 19th April, 2022 at about 02:00 to 03:00 pm, he caught hold the hair of the informant and hit her head

against the wall and because of that she was required to take treatment in the hospital for three days. Considering the role of applicant No.1 – husband, this Court holds that he is not entitled to any relief.

9 However, it appears that there are vague and omnibus allegations against applicant Nos.2 to 4. Considering the omnibus allegations against applicant Nos.2 to 4, which are not establishing the essential ingredients of cruelty under Section 498-A of the IPC, it would not be proper to compel them to face the trial. We are, therefore, inclined to allow the application to the extent of applicant Nos.2 to 4. Hence, the following order:-

ORDER

- I. The application in respect of applicant No.1 is rejected.
- II. The application is allowed to the extent of applicant Nos.2 to 4 in terms of prayer clauses (B), (B-1) and (B-2).
- III. The application stands disposed of.

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