



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

CRIMINAL APPLICATION NO.1547 OF 2022

- 1) Pandit S/o Narayan Totewad,
(Husband),
Age-39 years, Occu:Business,
R/o-Tamsa Road, Tq-Bhokar,
Dist-Nanded,
- 2) Laxmibai W/o Narayan Totewad,
(Mother-in-law),
Age-55 years, Occu:Household,
R/o-Pimpaldhav, Post-Matul,
Tq-Bhokar, Dist-Nanded,
- 3) Narayan S/o Ramlu Totewad,
(Father-in-Law),
Age-65 years, Occu:Business,
R/o-Pimpaldhav, Post-Matul,
Tq-Bhokar, Dist-Nanded,
- 4) Jayshree Shriram Borod,
(Sister-in-law),
Age-36 years, Occu:Household,
R/o-Pimpaldhav, Post-Matul,
Tq-Bhokar, Dist-Nanded,
- 5) Rajeshri W/o Rajeshwar Borod,
(Sister-in-Law),
Age-34 years, Occu: Household,
R/o-Nanda Mhaisa Patti, Post-Matul,
Tq-Bhokar, Dist-Nanded.

...APPLICANTS

VERSUS

- 1) The State of Maharashtra,
Through Police Station, Bhokar,
Dist-Nanded,

- 2) Renuka W/o Pandit Totewad,
Age-33 years, Occu:Household,
R/o-Opp. MSECb, Tamas Road,
Bhokar, Nanded,
At present-Vinayak Nagar,
Near Datta Nagar, Nanded.

...RESPONDENTS

...
Mr. G.L. Deshpande Advocate for Applicants.
Mr. A.R. Kale, A.P.P. for Respondent No.1 – State.
Ms. Poonam V. Bodke Patil Advocate for Respondent No.2.
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**CORAM: SMT. VIBHA KANKANWADI AND
SANJAY A. DESHMUKH, JJ.**

DATE : 28th JANUARY, 2025

ORDER [PER SMT. VIBHA KANKANWADI, J.] :

1. Present Application has been filed, initially for quashing the First Information Report (for short "the FIR") vide Crime No. 99 of 2022 dated 21st March 2022, registered with Bhokar Police station, District-Nanded, for the offence punishable under Sections 377, 498-A, 323, 504, 506 read with Section 34 of the Indian Penal Code, and by way of amendment, for quashing the proceedings in R.C.C. No. 66 of 2022 pending before the learned Judicial Magistrate First Class, Bhokar, District-Nanded.

2. Heard learned Advocate Mr. Deshpande for applicants,

learned APP Mr. Kale for respondent No.1 – State and learned Advocate Ms. Poonam V. Bodke Patil for respondent No.2. In order to cut short, it can be stated that the learned Advocates appearing for the respective parties have made submissions in respect of their contentions.

3. After hearing the learned Advocate for the applicants when disinclination is shown to grant any relief to applicant Nos. 1 to 3 i.e. husband and parents-in-law of respondent No.2, learned Advocate for the applicants, upon instructions, seeks withdrawal of the Application as against the said applicants. Accordingly, Application stands dismissed of as withdrawn as against applicant Nos. 1 to 3.

4. Matter proceeded for the reliefs claimed by applicant Nos.4 and 5, who are the married sisters-in-law of respondent No.2.

5. Perusal of the FIR and the contents of the charge-sheet would show that applicant Nos.4 and 5 were already married when respondent No.2 and applicant No.1 got married on 22nd May 2013. It is not stated in the FIR as to why the married sisters-in-law were residing in the parental home i.e. with

applicant Nos.1 to 3. The normal course would be that they would reside at their matrimonial home. Further, even the charge-sheet gives their different address and thus it appears that the relatives of the husband have unnecessarily been roped in. Therefore, it would be unjust to ask applicant Nos. 4 and 5 to face the trial. The case is made out for exercise of powers under Section 482 of the Code of Criminal Procedure. Hence, we pass following order:-

ORDER

(I) The Application stands partly allowed.

(II) The Application stands dismissed as withdrawn as against applicant Nos. 1 to 3 i.e. 1) - Pandit S/o Narayan Totewad, 2) Laxmibai W/o Narayan Totewad and 3) Narayan S/o Ramlu Totewad.

(III) The Application stands allowed as against applicant Nos.4 and 5.

(IV) The proceedings in R.C.C. No. 66 of 2022 pending before the learned Judicial Magistrate First Class, Bhokar, District-Nanded, arising out of the the First Information Report vide Crime No.99 of 2022 dated 21st March 2022, registered with

Bhokar Police station, District-Nanded, for the offence punishable under Sections 377, 498-A, 323, 504, 506 read with Section 34 of the Indian Penal Code, stands quashed and set aside as against applicant Nos. 4 and 5 - i.e. 4) Jayshree Shriram Borod, and 5) Rajeshri W/o Rajeshwar Borod.

[SANJAY A. DESHMUKH]
JUDGE

[SMT. VIBHA KANKANWADI]
JUDGE

asb/JAN25