



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

CRIMINAL APPLICATION NO. 1514 OF 2023

1. Rupesh Rangrao Shesware (Husband)
Age : 48 Years, Occ. Nil,
R/o. Rangrao Shesware F-10/4
Sambhaji Colony N-3, Cidco,
Aurangabad.
2. Kamal Rangrao Shesware (Mother in law)
Age : 78 Years, Occ. Nil,
R/o. Vithal Nagar, Naregaon
Dist. Aurangabad.
3. Jaya Arun Bansode, (Sister in law)
Age : 55 Years, Occ. Service,
R/o. Plot No. 57, Sambhaji Colony,
Tapri Market Cidco N-6, Aurangabad.
4. Kalpana Raju Thorwade, (Sister in law)
Age : 47 Years, Occ. Household,
R/o. Vitthal Nagar, Naregaon
Aurangabad. .. Applicants

VERSUS

1. The State of Maharashtra,
Through P. I. Cidco Police Station,
Aurangabad.
2. Bharti Rupesh Shesware,
Age : 40 Years, Occ. Household,
r/o. N-6, F10/4,
Cidco Aurangabad. .. Respondents

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Advocate for the Applicants : Mr. M. R. Wagh
A.P.P. for Respondent No.1 State : Mr. N. R. Dayama

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

DATED : JANUARY 14, 2025

JUDGMENT (PER ROHIT W. JOSHI, J) :-

1. The present application is filed under Section 482 of the Code of Criminal Procedure (hereinafter referred to as 'Cr.P.C'.) praying that F.I.R. No. 327 of 2022 dated 8.07.2022 registered with Cidco Police Station, Aurangabad on 08.07.2022 for offences punishable under Sections 498-A, 323, 504 read with Section 34 of the Indian Penal Code may be quashed. The application came to be amended in order to challenge final report/charge sheet No. 334/2023 dated 04.08.2023 and Regular Criminal Case No. 1966 of 2023 registered pursuant to the said charge sheet pending before the learned Judicial Magistrate F.C. Aurangabad.

2. Respondent No.2 informant is wife of applicant No.1. Applicant No.2 is the mother-in-law and applicant No.3 and 4 are married sisters-in-law of respondent No.2.

3. Marriage between applicant No.1 and respondent No.2 was solemnized on 20.05.2005. The couple is blessed with a daughter and a son. On earlier occasion respondent No.2 had initiated criminal prosecution against applicant No.1 for offence under Section 498-A of the Indian Penal Code. The matter was compromised in the proceedings before Sangali Court in the year 2011. The couple started residing together thereafter. A year thereafter the son was born.

Respondent No.2 has now lodged F. I. R. against the applicants on 08.07.2022. The allegations in the F. I. R. are that the applicants so also Rahul the brother-in-law and his wife Revati have again started harassing respondent No.2 for a period of around six months prior to the date of lodging F.I.R. that some were around January 2022. She alleges that the harassment is due to certain household matters and also because the applicant No.1, 3 and 4 doubt her character. She alleges that applicant No.1, 3 and 4 have abused and beaten her. Apart from this, she has alleged that they are also demanding that respondent No.2 should bring an amount of Rupees fifty to seventy lakhs from her father in order to enable applicant No.1 to start new business. She has alleged that applicant No.1 has left the house and is residing separate.

4. The learned Advocate for the applicant submits that the allegations in the complaints are most unbelievable. He states that respondent no.2 is in the habit of making complaints for offence punishable under Section 498-A. He refers to F. I. R. to contend that the allegations are completely vague and are lacking in all material particulars.

5. Per contra Shri. N. R Dayama, learned A.P.P appearing for the State opposes the application saying that since allegations have been levelled, the correctness thereof can be determined only upon full

dressed trial and at this stage prosecution against the applicant cannot be quashed.

6. We have heard the rival submissions and perused record with able assistance of the counsels appearing in the matter. It is undisputed that the marriage between applicant No.1 and respondent No.2 is solemnized in the year 2005. The F. I. R. is lodged in the year 2022 after a period of 17 years. The couple is blessed with two children. On earlier occasion, undisputedly respondent No.2 had lodged prosecution under Section 498-A. Thereafter, the matter was reconciled and couple started residing together from the year 2011. The F. I. R. is lodged in the year 2021 after a period of 11 years. A perusal of the F. I. R. indicates that absolutely vague and unspecific allegations have been levelled by respondent No.2. The allegations are also omnibus in nature. Applicant Nos. 3 and 4 are married daughters-in-law who are not residing with applicant No.1. Respondent No.2 has stated that all of sudden from Jan. 2022, the applicants and brother-in-law and his wife started harassing her. The allegations are not confidence inspiring. They are also lacking in all particulars as rightly pointed out by the learned Advocate for the applicants. The allegations in the F. I. R. taken on their face value are not sufficient to make out a case for criminal prosecution against the applicants for the offence punishable under Section 498-A.

Continuation of prosecution of the applicants will amount to abuse of legal process. We are therefore, of the considered opinion that the F. I. R. and consequent criminal case are liable to be quashed having regard to totality of the circumstances. Hence, we pass the following order

ORDER

(I) The application is allowed.

(II) The proceeding in Regular Criminal Case No. 1966 of 2023 pending before the learned Judicial Magistrate, First Class, Aurangabad arising out of First Information Report vide Crime No. 327 of 2022 registered with CIDCO Police Station, Aurangabad dated 08.07.2022 under Sections 498-A, 323, 504, read with Section 34 of the Indian Penal Code are hereby quashed and set aside as against all the applicants.

(ROHIT W. JOSHI)
JUDGE

(SMT. VIBHA KANKANWADI)
JUDGE

Y.S. Kulkarni