



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO.1766 OF 2024

1. Nagesh Prakash Kalyankar
 2. Uma Prakash Kalyankar
 3. Rekha Prakash Kalyankar
 4. Viresh Prakash Kalyankar
- .. Applicants**

Versus

1. The State of Maharashtra
Through Senior Police Inspector,
Shivaji Nagar Police Station,
Taluka and District Latur.
 2. Lina w/o Nagesh Kalyankar
- .. Respondents**

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Mr. Avinash M. Reddy, Advocate for the applicants.

Mr. P. S. Patil, APP for respondent No.1/State.

Mr. K. P. Rodge, Advocate for respondent No.2.

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**CORAM : SMT. VIBHA KANKANWADI &
SUSHIL M. GHODESWAR, JJ.**

DATE : 20 AUGUST 2025

ORDER (Per Smt. Vibha Kankanwadi, J.) :-

. Present application has been filed for quashing the proceedings in Regular Criminal Case No.1323 of 2023 pending before the learned Chief Judicial Magistrate, District Latur arising out of the FIR vide Crime No.249 of 2023 dated 07.06.2023 registered with Shivaji Nagar Police

Station, District Latur for the offences punishable under Sections 323, 498-A, 504, 506 read with Section 34 of Indian Penal Code.

2. Heard learned Advocate Mr. Avinash M. Reddy for the applicants, learned APP Mr. P. S. Patil for respondent No.1/State and learned Advocate Mr. Krishna P. Rodge for respondent No.2. In order to cut short it can be said that all of them have made submissions in support of their respective contentions.

3. It will not be out of place to mention here that on 26.04.2024 when this Court expressed its disinclination to grant any relief in favour of applicant Nos.1 and 2, learned Advocate for the applicants, on instructions, sought withdrawal of the application. In view of the same, the application came to be disposed of as withdrawn as against applicant Nos.1 and 2.

4. Admittedly, respondent No.2 got married to applicant No.1 on 17.04.2022. She states that she was not knowing *Kannada* language and, therefore, was unable to speak and understand it. The applicants used to speak to her in Hindi or Marathi whenever they used to ask her to do a work. It is then tried to state that applicant Nos.2 and 3 started saying that they had not approved her, but only because of the father-in-law, the marriage was solemnized and but they would see that she will not stay in the house for many days. She then states that applicant

No.1/husband used to assault her under the influence of liquor on the say of applicant Nos.2 and 3. It is then stated that applicant Nos.1 to 3 started demanding amount of Rs.50,00,000/- for the business of contractor. She then says that she was driven out of the house on 02.06.2022, when her mother, maternal uncle, paternal uncle had come to her matrimonial home and there was refusal to give the amount.

5. First of all, there is absolutely no allegations against applicant No.4 brother-in-law. Further, it appears that the father-in-law has not been made as an accused and the charge-sheet would show that his statement has not been recorded. Merely because she was not understanding a language, she cannot infer that those persons were speaking against her. It appears that the applicants were communicating with her in Hindi or Marathi. The marriage was performed on 17.04.2022 and she alleges that she was driven out on 02.06.2022. Therefore, the cohabitation appears to be of 1 month 16 days only. Applicant No.3 appears to be a divorcee and against her, it is stated that she was unnecessarily giving mental harassment to respondent No.2. If she was driven out of the house on 02.06.2022, then why she lodged the FIR on 07.06.2023 i.e. after about a year is a question. Even she has approached the Bharosa Cell only on 06.05.2023. The delay appears to be fatal. Therefore, taking into consideration the allegations in the FIR and the statements of the witnesses as well as the period of

cohabitation, it cannot be stated that the case would fall or ingredients of offence under Section 498-A Explanation 'A' or 'B' of Indian Penal Code would get attracted as against applicant Nos.3 and 4. Therefore, case is made out for exercise of powers under Section 482 of the Code of Criminal Procedure as against applicant Nos.3 and 4. Hence, the following order :-

ORDER

- I) Criminal Application stands allowed.
- II) The proceedings in Regular Criminal Case No.1323 of 2023 pending before the learned Chief Judicial Magistrate, District Latur arising out of the FIR vide Crime No.249 of 2023 dated 07.06.2023 registered with Shivaji Nagar Police Station, District Latur for the offences punishable under Sections 323, 498-A, 504, 506 read with Section 34 of Indian Penal Code stands quashed and set aside as against present applicant Nos.3 and 4.

[SUSHIL M. GHODESWAR]
JUDGE

[SMT. VIBHA KANKANWADI]
JUDGE

scm