



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

36 CRIMINAL APPLICATION NO.1795 OF 2024

- 1 Sarjerao Ganpat Gade,
Age 61 yrs., Occ. Agri.,
R/o Ardh-Pimpri, Tq. Georai,
Dist. Beed.
- 2 Kadubai @ Parvati Sarjerao Gade,
Age 56 yrs., Occ. Homemaker,
R/o Ardh-Pimpri, Tq. Georai,
Dist. Beed.

... Applicants

... **Versus** ...

- 1 The State of Maharashtra
Through Officer In-charge,
Police Station, Chaklamba,
Dist. Beed.
- 2 The Superintendent of Police,
Beed, Dist. Beed.
- 3 Arun Laxman Korde,
Age 30 yrs., Occ. Agri.,
R/o Bori Pimpalgaon,
Tq. Georai, Dist. Beed.

... Respondents

...

Ms. Neha G. Udavant, Advocate h/f Mr. S.J. Salunke, Advocate for applicant
Mr. A.M. Phule, APP for respondent Nos.1 and 2
Mr. A.L. Kanade, Advocate for respondent No.2

...

**CORAM : SMT. VIBHA KANKANWADI &
SANJAY A. DESHMUKH, JJ.**

DATE : 21st MARCH, 2025

ORDER : (PER : SMT. VIBHA KANKANWADI, J.)

1 Present application has been filed for quashment of First Information Report vide Crime No.27/2024 dated 08.02.2024 registered with Police Station, Chaklamba, Dist. Beed, for the offence punishable under Sections 302, 498-A, 323 read with Section 34 of the Indian Penal Code, 1960.

2 Heard learned Advocate Ms. Neha G. Udavant holding for learned Advocate Mr. S.J. Salunke for applicant, learned AGP Mr. A.M. Phule for respondent Nos.1 and 2 and learned Advocate Mr. A.L. Kanade for respondent No.2. In order to cut short, it can be said that they have argued in support of their respective contentions.

3 From the submissions and documents what is not in dispute is that respondent No.3 is the brother of deceased Swati, who was married to son of present applicants about 15 years prior to First Information Report. Swati and her husband are blessed with son and daughter.

4 Respondent No.3 lodged First Information Report by saying that his sister Swati was treated properly for about three years after marriage and thereafter amount of Rs.5,00,000/- were demanded for purchasing Tractor by accused persons. That amount was given by father of informant, however, again she was harassed by saying that she should bring amount of Rs.2,00,000/- for purchasing the implements of Tractor. She was assaulted physically and mentally for fulfillment of said demand. This fact was informed by Swati to informant and others. He then says that Swati and her husband had gone to Kedareshwar Sugar Factor, Gulaj for sugarcane cutting job and were residing in a hut nearby. Informant had gone to meet Swati around 11.00 a.m. on 07.02.2024, at that time, he could not meet her. When he asked about Swati to her husband, he told that there was a quarrel between him and Swati around 10.00 a.m. and then Swati left and has not returned. Informant and his cousin brother had searched for Swati and when they could not find, he had then lodged missing report. Informant then came to know that Swati was assaulted and murdered by her husband and her dead body was thrown in the well in the field of one Vikas Anil Totre. Informant went there and saw that the dead body was taken out of the well, Police was also present there and after the postmortem the First Information Report has been lodged.

5 From the First Information Report itself it is very much clear that the allegations are not against the present applicants who are father-in-law and mother-in-law in respect of murder of Swati. The informant specifically states that only Swati and husband were residing in the hut and they had gone there for sugarcane cutting work. Though the investigation is pending and the remand report reveals that the cause of death is 'death due to drowning'; yet, when the present applicants even were not present there, it would be unjust to ask them to face the trial for Section 302 of the Indian Penal Code. At the same time, since the investigation is still pending, we do not find this to be a fit case where we should quash the proceedings for Section 498-A of the Indian Penal Code. Further, we are also not observing that the applicants are immuned from prosecution under some other offence if at all it is transpired during the course of the investigation. We, therefore, partly allow the present application to the extent of Section 302 of the Indian Penal Code only. Hence, following order.

ORDER

- i) Criminal Application stands partly allowed.
- ii) First Information Report vide Crime No.27/2024 dated 08.02.2024 registered with Police Station, Chaklamba, Dist. Beed stands

quashed and set aside to the extent of offence punishable under Section 302 read with Section 34 of the Indian Penal Code, 1960 only as against applicants viz. 1) **Sarjerao Ganpat Gade** and 2) **Kadubai @ Parvati Sarjerao Gade**.

iii) It is clarified that the relief of quashing the First Information Report for other offences stands rejected.

(SANJAY A. DESHMUKH, J.)

(SMT. VIBHA KANKANWADI, J.)

agd