



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

22 CRIMINAL APPLICATION NO.1830 OF 2023

1. Shivnath Devrao Fatate
2. Parbhavati w/o Shivnath Fatate
3. Pratiksha d/o Shivnath Fatate
4. Sachin s/o Shivnath Fatate
5. Vikas s/o Shivnath Fatate

.. Applicants

Versus

1. The State of Maharashtra
Through, In-charge of Police Inspector,
Jalkot Police Station,
Tq. Jalkot, Dist. Latur.
2. Anjali w/o Ravi Fatate

.. Respondents

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Mr. S. R. Sapkal, Advocate for Applicants.
Mr. A. R. Kale, APP for Respondent No.1/State.
Mr. M. G. Biradar, Advocate for Respondent No.2.

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

DATE : 13 JANUARY 2025

ORDER :

. Present application has been filed initially for quashing the FIR vide Crime No.40 of 2023 registered with Jalkot Police Station, Taluka Jalkot, District Latur and later on for quashing the proceedings in R.C.C. No.172 of 2023 filed before the learned Judicial Magistrate First Class, Udgir, District Latur for the

offences punishable under Sections 498-A, 323, 504 read with Section 34 of Indian Penal Code.

2. Heard learned Advocate Mr. S. R. Sapkal for the applicants, learned APP Mr. A. R. Kale for respondent No.1/State and learned Advocate Mr. M. G. Biradar for respondent No.2. In order to cut short it can be said that all the Advocates have made submissions in support of their respective contentions.

3. Perusal of the FIR lodged by respondent No.2 on 17.02.2023 would show that she got married to Ravi Fatate, son of applicant Nos.1 and 2 on 19.05.2020. She says that for about a month she was treated properly. Thereafter, she was taken by her husband to Mumbai where he is serving. The further allegations are against the husband who is not before this Court regarding the harassment. She has stated that she was ill treated by the husband till the five months after the marriage. Thereafter, she came to the matrimonial home where the applicants are residing. She has not given the approximate month in which she had returned to the matrimonial home, but then she says that all the applicants started giving mental and physical harassment on the count that she is unable to cook food and she should bring

amount of Rs.10,00,000/- for purchase of flat. Then she says that she was driven out of the house in December 2020. If we consider the date of marriage and the month in which she was allegedly driven out, then she would have resided with the applicants hardly for a month or two. The allegations in the FIR against the applicants are omnibus and specific role is not attributed so also the details of alleged mental and physical harassment are not given.

4. Now, the statements of witnesses, who are the relatives of respondent No.2 would show that they are on the same line as the information that was given by respondent No.2. Therefore, with the said omnibus allegations, it would be unjust to ask the applicants to face the trial. Case is made out for exercise of inherent powers of this Court under Section 482 of the Code of Criminal Procedure as against the present applicants. Hence, the following order :-

ORDER

- I) Criminal Application stands allowed.
- II) The FIR bearing Crime No.40 of 2023 registered with Jalkot Police Station, Taluka Jalkot,

District Latur as well as the proceedings in R.C.C. No.172 of 2023 filed before the learned Judicial Magistrate First Class, Udgir, District Latur for the offences punishable under Sections 498-A, 323, 504 read with Section 34 of Indian Penal Code, stand quashed and set aside, as against the present applicants.

[ROHIT W. JOSHI]
JUDGE

[SMT. VIBHA KANKANWADI]
JUDGE

scm