



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

**CRIMINAL APPLICATION NO.2330 OF 2024**

1. Lata w/o Nanasaheb Chavan
2. Nanasaheb s/o Asaram Chavan
3. Pravin s/o Nanasaheb Chavan

**.. Applicants**

***Versus***

1. The State of Maharashtra  
Through Investigating Officer,  
Cantonment (Chhawani) Police Station,  
Aurangabad City, District Aurangabad.
2. Pooja w/o Pravin Chavan

**.. Respondents**

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Mr. Sandeep G. Rathod, Advocate for the applicants.  
Mr. G. A. Kulkarni, APP for respondent No.1/State.

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

**DATE : 08 JANUARY 2025**

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

. Present application has been filed initially for quashing the FIR vide Crime No.664 of 2023 registered with Cantonment (Chhawani) Police Station, Aurangabad, District Aurangabad on 15.12.2023 and by way of amendment, for quashing the proceedings in R.C.C. No.1224 of 2024 pending before the learned Chief Judicial Magistrate, Aurangabad for the offences punishable under Sections 498-A, 323, 504 read with Section 34

of Indian Penal Code.

2. Heard learned Advocate Mr. Sandeep P. Rathod for the applicants and learned APP Mr. G. A. Kulkarni for respondent No.1/State. In order to cut short it can be said that both of them have made submissions in support of their respective contentions.

3. Perusal of the FIR would show that it has been filed against mother-in-law, father-in-law and husband. Though it appears that the marriage had taken place on 06.05.2013 and the couple is blessed with son born on 12.04.2015, yet it is stated that the harassment is on the count of demand of Rs.5,00,000/- for purchasing flat. Then she says that the husband had poured boiling water on her person on 04.05.2020 and she was driven out of the house by all the accused persons on 23.03.2023. It is then stated by the applicants that the applicants have been falsely implicated as the husband has filed divorce petition. According to the applicants, respondent No.2 had left the matrimonial home voluntarily. Further, the parents have been unnecessarily roped when the husband and wife were residing at Raigad where the husband was serving and the parents are

residing at Vaijapur, which is more than 415 kms away. It is to be noted that as regards the investigation is concerned, it is completed and the witnesses, who are the relatives, to whom naturally the wife would have disclosed the alleged harassment, are supporting her. Further, there appears to be written complaint by the wife to Bharosa Cell, which is more in detail. Now, after so many years of married life, why the husband would file proceedings for divorce is a question. He also appears to be not restraining the fact only in respect of a day or two. Taking into consideration the specific allegations and the rival allegations about the facts, this is not a fit case where we should exercise our inherent powers under Section 482 of the Code of Criminal Procedure. As regards the parents are concerned, except their statements that they were residing at far away place, there is nothing and, therefore, they will have to prove the fact before the Trial Court. Hence, the application is rejected.

**[ ROHIT W. JOSHI ]**  
**JUDGE**

**[ SMT. VIBHA KANKANWADI ]**  
**JUDGE**

scm