



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

CRIMINAL APPLICATION NO.1985 OF 2023

- 1) Rupchand S/o Chandu Chavan,
(Father-in-law),
Age-65 years, Occu:Agri.,
- 2) Rangubai W/o Rupchand Chavan,
(Mother-in-law),
Age-63 years, Occu:Agri.,

Applicant Nos.1 and 2 Both
R/o-Kathoda Tanda,
Taluka-Georai, District-Beed,

- 3) Arjun S/o Rupchand Chavan,
(Brother-in-law),
Age-45 years, Occu:Labour,
R/o-C/o- Narayan Namdeo Lute,
Lane No.6, Near Bodkhe Kiran Store,
New Hanuman Nagar, Aurangabad,
District-Aurangabad,
- 4) Sunita W/o Lahu Rathod,
(Married Sister-in-law),
Age-40 years, Occu:Agri. & Housewife,
R/o-Rokda Tanda, Taluka-Georai,
District-Beed.

...APPLICANTS

VERSUS

- 1) The State of Maharashtra,
Through Investigation Officer,
Talwada Police Station,
Taluka-Georai, District-Beed,
- 2) Savita W/o Babasaheb Chavan,
Age-35 years, Occu:Housewife,
R/o-Raja Pimpri, Taluka-Georai,
District-Beed.

...RESPONDENTS

...
Mr. Narayan B. Narwade Advocate for Applicants.
Ms. Kalpalata B. Patil Bharaswadkar, A.P.P. for Respondent
No.1.
Mr. Pandurang S. Koshti Advocate for Respondent No.2,
appointed through Legal Aid.
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**CORAM: SMT. VIBHA KANKANWADI AND
MANJUSHA DESHPANDE, JJ.**

DATE : 17th APRIL, 2025

ORDER [PER SMT. VIBHA KANKANWADI, J.] :

1. Present Application has been filed under Section 482 of the Code of Criminal Procedure, for quashing the proceedings in R.C.C. No. 2 of 2023, pending before the learned Chief Judicial Magistrate, First Class, Georai, Taluka-Georai, District-Beed, arising out of the First Information Report (for short "the FIR") vide Crime No. 242 of 2022 registered with Talwada Police Station, Taluka-Georai, District-Beed on 26th November 2022, for the offence punishable under Sections 498-A, 323, 504, 506 read with Section 34 of the Indian Penal Code.

2. Heard learned Advocate Mr. Narwade for the applicants, learned APP Ms. Kalpalata Patil Bharaswadkar for respondent No.1 and learned Advocate Mr. Koshti for respondent No.2,

appointed through Legal Aid. In order to cut short, it can be stated that the learned Advocates appearing for respective parties have argued in support of their contentions.

3. Respondent No.2 in her FIR submits that she got married to son of applicant Nos. 1 and 2 and brother of applicant Nos.3 and 4, on 8th September 2007 and she has son and daughter aged 13 and 9 years respectively. She has stated that her husband got addicted to liquor and gambling. He used to assault her under the influence of liquor daily and used to abuse her and alleging that proper honour was not given in the marriage and dowry was not given. Applicant Nos.1 and 2 used to instigate him. Applicant Nos.3 and 4 used to abuse her and instigate the husband. She states that she continued to bear the harassment for about five years. Sometimes she had informed the incidences to her parents personally or through mobile. Then she says that as her relations with the family members in the matrimonial home were not good, she herself, her husband and children shifted to MIDC, Aurangabad and then again they went to matrimonial home, where the husband told that since he is now unemployed, she should bring amount of Rs.5,00,000/- to purchase tractor and then only she would be allowed to cohabit.

By giving threats and keeping her starved, husband was harassing her. When her parents, uncle had come around 10 a.m. on 26th January 2019 to pacify the relationship, at that time demand of Rs.5,00,000/- was made for purchase of tractor and then it was told that if it is not possible for them to give the amount, then they may take the informant back.

4. Perusal of the FIR would show that without giving the approximate period the informant has stated that she was treated properly by the husband initially. Now, when she has a son aged 13 years, then what could be the relative period of 'initially' used in respect of treating her properly, would be a question. Without giving details of instigation, merely use of word 'instigation' will not make the offence as defined under Section 498-A of the Indian Penal Code. Applicant No.4 is married sister-in-law. Why she was residing in the matrimonial home of the informant, has not been stated by the informant. The allegations against the applicants appear to be omnibus and the husband is not before this Court. Under such circumstances, though the witnesses in their statements under Section 161 of the Code of Criminal Procedure have tried to support and reiterated the same facts, we take this to be a fit case where we

should exercise our powers under Section 482 of the Code of Criminal Procedure. Hence, we pass following order:-

ORDER

(I) The Application stands allowed.

(II) The proceedings in R.C.C. No. 2 of 2023 pending before the learned Chief Judicial Magistrate, First Class, Georai, Taluka-Georai, District-Beed, arising out of the First Information Report (for short "the FIR") vide Crime No. 242 of 2022 registered with Talwada Police Station, Taluka-Georai, District-Beed on 26th November 2022, for the offence punishable under Sections 498-A, 323, 504, 506 read with Section 34 of the Indian Penal Code, stands quashed and set aside as against applicant Nos. 1 to 4 i.e. - 1) Rupchand S/o Chandu Chavan, 2) Rangubai W/o Rupchand Chavan, 3) Arjun S/o Rupchand Chavan and 4) Sunita W/o Lahu Rathod.

[MANJUSHA DESHPANDE]
JUDGE

[SMT. VIBHA KANKANWADI]
JUDGE