



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO.2045 OF 2023

1. Rekha Harsingh Adhe
2. Manisha Harsingh Adhe
3. Harsingh Jemla Adhe
4. Shriram Hemla Rathod
5. Babai Shriram Rathod

.. Applicants

Versus

1. The State of Maharashtra
2. Pritibai Rushikesh Adhe

.. Respondents

...

Mr. Niraj Chudiwal h/f Mr. Satej S. Jadhav, Advocate for the applicants.

Mr. N. R. Dayama, APP for respondent No.1/State.

Mr. B. V. Dhage, Advocate for respondent No.2.

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

DATE : 17 FEBRUARY 2025

ORDER [Per Smt. Vibha Kankanwadi, J.] :-

. Present application has been filed by invoking the inherent powers of this Court under Section 482 of the Code of Criminal Procedure initially for quashing the FIR bearing Crime No.128 of 2023 registered with Mantha Police Station, District Jalna and later on, by way of amendment, for quashing the proceedings in R.C.C. No.233 of 2023 pending before the learned Judicial

Magistrate First Class, Mantha, District Jalna for the offences punishable under Sections 498-A read with Section 34 of Indian Penal Code.

2. Heard learned Advocate Mr. Niraj Chudiwal holding for learned Advocate Mr. Satej S. Jadhav for the applicants, learned APP Mr. N. R. Dayama for respondent No.1/State and learned Advocate Mr. B. V. Dhage for respondent No.2.

3. It is not in dispute that respondent No.2 got married to Rushikesh Adhe, who is the son of applicant No.1 and applicant No.3 on 28.05.2020. Applicant No.2 is the sister-in-law of respondent No.2, applicant No.4 is the maternal uncle and applicant No.5 is the maternal aunt of Rushikesh. That means, applicant No.4 is the brother of applicant No.1 and applicant No.5 is the wife of applicant No.4.

4. Perusal of the FIR would show that respondent No.2 states that for about six months, she was treated properly, but thereafter demand was made to bring Rs.5,00,000/- for construction of house. She refused stating that the financial condition of her parents and brother is not sound. Then she says that all the accused persons had harassed her physically

and mentally and she was driven out of the house. No details have been given. It is also not stated when she was driven out of the house. In the statements of witnesses also it is not stated since when the informant is staying with parents. With such cryptic FIR where there is no role is attributed and even the maternal uncle and aunt of the husband have also been roped, though informant had the knowledge that they were residing separately, it would be unjust to ask the applicants to face the trial. Who had made the demand of Rs.5,00,000/- is also not clear. It is also alleged that she was forced to consume some tablets, as a result of which there was stomach ache to her and then she was taken to Om Hospital, Jalna. The investigating officer appears to have not collected any information from that hospital. Now, by way of affidavit-in-reply, respondent No.2 has tried to give reasons, which she cannot be allowed to and along with that she has given the discharge summary from Om Hospital. It appears that she was admitted there on 25.08.2020 and was discharged on 26.08.2020. The diagnosis is PRIMI with 2MA with missed Abortion with Bleeding PV. In her FIR, the informant has not stated when she became pregnant. If her marriage had taken place on 28.05.2020 and her date of

admission in the hospital is 25.08.2020, as she has not stated in the FIR on which day and where she was forced to consume the tablets and then when she went to Jalna, it becomes very suspicious and though the informant had knowledge of everything, but she has suppressed the same and, therefore, this is a fit case where we should exercise our inherent powers under Section 482 of the Code of Criminal Procedure. Hence, the following order :-

ORDER

- I) Criminal Application stands allowed.
- II) The FIR bearing Crime No.128 of 2023 registered with Mantha Police Station, District Jalna and as well as the proceedings in R.C.C. No.233 of 2023 pending before the learned Judicial Magistrate First Class, Mantha, District Jalna for the offences punishable under Sections 498-A read with Section 34 of Indian Penal Code, stand quashed and set aside, as against the present applicants.

[SANJAY A. DESHMUKH]
JUDGE

[SMT. VIBHA KANKANWADI]
JUDGE

scm