



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

CRIMINAL APPLICATION NO.2282 OF 2023

- 1) Rajendra S/o Gundappa Birajdar,
(Father-in-law),
Age-60 years, Occupation:Agri.,
R/o-At Killari, Taluka-Ausa,
District-Latur,
- 2) Ujwala W/o Rajendra Birajdar,
(Mother-in-law),
Age-55 years, Occupation:HouseHold,
R/o-At Killari, Taluka-Ausa,
District-Latur,
- 3) Harshada D/o Rajendra Birajdar,
(Sister-in-law),
Age-26 years, Occupation:Nil,
R/o-At Killari, Taluka-Ausa,
District-Latur,
- 4) Gundappa S/o Madhavrao Birajdar,
(Grandfather-in-law),
Age-85 years, Occupation:Agri.,
R/o-At Killari, Taluka-Ausa,
District-Latur,
- 5) Kamalbai W/o Gundappa Birajdar,
(Grandmother-in-law),
Age-80 years, Occupation:HouseHold ,
R/o-At Killari, Taluka-Ausa,
District-Latur.

...APPLICANTS

VERSUS

- 1) The State of Maharashtra,
Through Officer In Charge,
Killari Police Station,
Villae Killari, Taluka-Ausa,
District-Latur, Maharashtra,
- 2) Supriya W/o Chetan Birajdar,
Age-30 years, Occupation:HouseHold,
R/o-Hamu Chinchansure Gully,
Kasarshirshi, Taluka-Nilanga,
District-Latur, Maharashtra.

...RESPONDENTS

...
Mr. Amit A. Yadkikar Advocate for Applicants.
Mr. A.R. Kale, A.P.P. for Respondent No.1.
Mr. G.K. Sontakke Advocate for Respondent No.2 (**Absent**).
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**CORAM: SMT. VIBHA KANKANWADI AND
ROHIT W. JOSHI, JJ.**

DATE : 27th MARCH, 2025

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

1. Present Application has been filed under Section 482 of the Code of Criminal Procedure, initially for quashing the First Information Report (for short "the FIR") vide Crime No. 127 of 2023, registered with Killari Police Station, District-Latur on 20th May 2023, for the offence punishable under Sections 498-A, 323, 504, 506, 507 read with Section 34 of the Indian Penal Code, and by way of amendment for quashing the proceedings in

R.C.C. No. 455 of 2023, pending before the learned Judicial Magistrate First Class, Ausa, District-Latur.

2. Heard learned Advocate Mr. Yadkikar for the applicants, learned APP Mr. Kale for respondent No.1. learned Advocate for respondent No.2 is absent. In order to cut short, it can be stated that the learned Advocates for respective parties have argued in support of their contentions.

3. Perusal of the charge-sheet would show that the fact which is not in dispute, is that respondent No.2 got married to one Chetan Rajendra Birajdar i.e. son of applicant Nos.1 and 2, on 12th November 2021. Applicant No.3 is the daughter of applicant Nos. 1 and 2. Applicant Nos. 4 and 5 are the parents of applicant No.1. All the applicants are resident of village Killari, Taluka-Ausa, District-Latur. The informant in the FIR states that she had resided at her matrimonial home for about two months immediately after the marriage, along with the applicants. She states that the present applicants had made her as well as her husband to sleep at different places and the accused persons used to give pinching words on trifle matters. Except this statement, she has not given anything else as to why she as well

as her husband were made to sleep at different places and whether she had taken it as a cruelty. On which trifle grounds the pinching words were given and what were those pinching words have not been stated. Thereafter informant makes allegations against the husband, but he is not before this Court. Then she says that in December 2021, applicant Nos.1 and 4 had demanded amount of Rs.5,00,000/- from her father and when her father could not fulfill the said demand, she was harassed by giving mental and physical torture. She states that the applicants had given her threats. She has then stated that all of of them came to reside at Killari. From the earlier part of the FIR, it appears that she wanted to say that they were residing at Latur but there is absolutely no mention, from where and when they went to reside at Killari. She has stated some incident in respect of 19th March 2022, wherein it is stated that when she was talking to her father, she was assaulted by the husband, applicant Nos.4 and 5. Applicant No.3 had tried to drove her out of the house. The reason behind that incident is absolutely unknown and cannot be gathered as to why this kind of incident would have taken place. But then the documents are on record to show that the informant went along with her husband, on 10th April 2022, to United States of America and then she states that

she returned in India, in September, 2022. That means from 10th April 2022 to September 2022, she was not residing with the applicants. Then in the FIR, she states that after her return, the applicants started giving harassment, mentally and physically, as before. It is such a vague term which cannot then fulfill the ingredients of cruelty as defined under Section 498-A of the Indian Penal Code.

4. The informant then states that since Diwali of 2022, she started residing with her parents and none of the applicants nor her husband came to take her back for cohabitation. When she tried to give phone calls, the applicants were not picking up the phone calls. Her husband left India in November 2022. She then states that when she requested applicant Nos.1 and 2 to send her to United States of America, they told that she should come and stay with them and then they would decide as to whether she should be sent to United States of America or not. She does not say that she came to matrimonial home thereafter. Then she states that on 20th January 2023, she went to United States of America for cohabitation. Then, she makes allegations against the husband, as to how she was treated there.

5. Thus, if we consider all these events, then it can be seen that informant was hardly with the applicants for some days. In the meantime she had also lodged an application, on 6th May 2023 to Bharosa Cell and it has been stated that she had filed proceedings for domestic violence in United States of America on 20th January 2023, against the husband. Therefore, taking into consideration all these facts, it appears that the applicants have been involved unnecessarily with *mala fide* intention. There might be some domestic issues with the husband, but for that purpose the applicants, including 85 and 80 years old grand parents-in-law ought not to have been involved. We take this to be a fit case where we should exercise our inherent powers to quash and set aside the FIR and the proceedings against the applicants. Hence, we pass following order:-

ORDER

(I) The Application stands allowed.

(II) The proceedings in R.C.C. No. 455 of 2023, pending before the learned Judicial Magistrate First Class, Ausa, District-Latur, arising out of the First Information Report vide Crime No. 127 of

2023 registered with Killari Police Station, District-Latur on 20th May 2023, for the offence punishable under Sections 498-A, 323, 504, 506, 507 read with Section 34 of the Indian Penal Code, stands quashed and set aside as against applicant Nos. 1 to 5 i.e. - 1) Rajendra S/o Gundappa Birajdar, 2) Ujwala W/o Rajendra Birajdar, 3) Harshada D/o Rajendra Birajdar, 4) Gundappa S/o Madhavrao Birajdar and 5) Kamalbai W/o Gundappa Birajdar.

[ROHIT W. JOSHI]
JUDGE

[SMT. VIBHA KANKANWADI]
JUDGE

asb/APR25