



IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

CRIMINAL APPLICATION NO. 2372 OF 2023

1. Rakesh Bhimrao Patil
Age : 35 Years, Occu : Agril.,
R/o. Sanjiwaninagar, Yawal Road, Chopda,
Tq. Chopda, Dist. Jalgaon.
 2. Bhimrao Onkar Patil
Age : 60 Years, Occu. Agril.,
R/o. Pargaon, Tq. Chopda,
Dist. Jalgaon
 3. Surekha Bhimrao Patil,
Age : 52 Years, Occu : Household,
R/o. Pargaon, Tq. Chopda,
Dist. Jalgaon
- ...Applicants

-VERSUS-

1. The State of Maharashtra
Through the in charge Police Station Officer,
Police Station, Mohadi, Dhule,
Dist : Dhule,
 2. Varsha Rakesh Patil
Age : 32 years, Occu : Household,
R/o : Wadjai, Tq. & Dist. Dhule
- ...Respondents

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Advocate for Applicants : Mrs. M. V. Narwade
A.P.P. for Respondent/State : Mrs. R. P. Gour.
Advocate for Respondent No.2 : Mr. V. P. Raje

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

DATED : 27.03.2025

JUDGMENT (PER ROHIT W. JOSHI, J.) :

1. The present application is filed under Section 482 of the Code of

Criminal Procedure, 1973 *inter alia* challenging FIR No.154 of 2022 registered with Mohadi Police Station, Dhule on 18.06.2022 for the offences punishable under Section 498-A, 323, 504, 506 read with Section 34 of the Indian Penal Code, 1860 (for short “the IPC”) along with Final Report No.58 of 2022 dated 01.10.2022 filed by respondent no.1 in the Court of learned Chief Judicial Magistrate, Dhule along with Regular Criminal Case No.745 of 2022 which is registered pursuant to the said final report.

2. Respondent no.2 is the informant. Applicant No.1 is husband and applicant nos.2 and 3 are father-in-law and mother-in-law respectively of respondent no.2.

3. The marriage of applicant no.1 and respondent no.2 was solemnized on 01.06.2010. They are blessed with two daughters, namely Kalyani and Sanjivani. Respondent No.2 has alleged that applicant No.1 was having illicit physical relations with her cousin sister. She has stated that although she had appraised applicant Nos.2 and 3 about the same, they did not pay any heed and rather abused respondent no.2 and said that if she was not happy with applicant no.1, she was free to leave the matrimonial house and go to her parental home. Respondent no.2 has also alleged that applicant no.1-husband used to beat her under the influence of liquor. She has alleged that she had appraised her parents about illicit relations of her husband with

her cousin. Her parents visited her matrimonial house in order to counsel applicant no.1-husband and also applicant nos.2 and 3 i.e. parents-in-law of respondent no.2. She had alleged that after her parents returned, applicant no.1-husband came to house under influence of liquor and abused her and applicant nos.2 and 3, parents-in-law also meted out mental and physical harassment to her. She alleges that her ornaments i.e. Gold Chain (34.5 gms.), Gold Chain (16 gms.), Necklace (10 gms.), Earrings (8 gms.) Pieces of Gold (4 gms.) were taken away and she was forced to leave matrimonial house on 07.03.2022. Apparently, the said allegation is also against applicant no.1-husband. The said allegation lacks clarity. Similar is the position with respect to the allegations which is reiterated in the statements recorded under Section 161, all the witnesses, namely Ravindra Suryawanshi, father of respondent no.2, Kalpana Suryawanshi, mother of respondent no.2, Mayur Suryawanshi, brother of respondent no.2.

4. As regards applicant no.1, the proceeding is already disposed of as withdrawn vide order dated 24.07.2023 on the motion made on his behalf for withdrawal of the application. We have therefore heard the matter only for applicant nos.2 and 3, the parents-in-law.

5. Perusal of the FIR and the statements of witnesses recorded under Section 161 of the Code of Criminal Procedure, 1973 which are a

part of the charge sheet will demonstrate that there are absolutely no allegations against applicant nos.2 and 3 in order to attract the provisions of Section 498-A. All that is alleged against them is that despite being made aware about illicit relations of applicant no.1 with cousin of respondent no.2, applicant nos.2 and 3 did not ask applicant no.1 to mend his ways and rather they asked respondent no.2 to leave the matrimonial house if she was not comfortable and happy with applicant no.1. It is alleged that when respondent no.2 had started residing at her parental house, applicant nos.2 and 3 had visited her on 2 to 3 occasions and during the said visits also they had abused and ill-treated her. All that is alleged against applicant nos.2 and 3 is that they did not act properly as elderly people in the family and did not counsel the applicant no.1 while respondent no.2 had put forth her grievance and agony before them. She also alleges that applicant nos.2 and 3 were completely insensitive towards her woes. Rather they were very rude to her.

6. It appears on reading of the FIR that the allegation regarding the ornaments are not made directly against applicant nos.2 and 3. The allegation lacks clarity. The allegation is leveled with a view to implicate parents of the estranged husband probably since they did not support respondent no.2. The allegation indicates attempt of over implication to exert pressure on the husband. It needs to be reiterated

that all thorough out the FIR the allegations are appearing against the husband and reading of the FIR indicates dejection on the part of respondent no.2 against her parents-in-law for not doing the needful in order to support her in her cause against her husband, although, according to respondent no.2 the husband was involved in extramarital affair. It appears that the names of applicant nos.2 and 3 are mentioned only because they failed to fulfill their parental obligations in counseling their son and making him understand to mend his ways.

7. In our considered opinion, the contents of the FIR as also the statements of the witnesses recorded under Section 161 of Cr.PC. taken on their face value do not make out any ingredient of Section 498-A against applicant nos.2 and 3. In such circumstances, it will be absolutely unjust to force applicant nos.2 and 3 to face the rigors of criminal prosecution. Continuation of proceedings against them will amount to abuse of the legal process. In that view of the matter application is partly allowed. Hence, we pass the following order:-

ORDER

- (i) The application is disposed of as withdrawn with respect to applicant no.1- Rakesh Bhimrao Patil as recorded in order dated 24.07.2023.
- (ii) The application is allowed with respect to applicant no.2-

Bhimrao Onkar Patil and applicant no.3- Surekha Bhimrao Patil. Accordingly FIR No.154 of 2022 registered with Mohadi Police Station, District Dhule on 18.06.2022 for the offences punishable under Section 498-A, 323, 504, 506 read with Section 34 of the IPC, final report no.58 of 2022 dated 01.10.2022 filed by respondent no.1 in the Court of learned Chief Judicial Magistrate, Dhule along with Regular Criminal Case No.745 of 2022 are quashed against them.

[ROHIT W. JOSHI]
JUDGE

[SMT. VIBHA KANKANWADI]
JUDGE

Narwade