



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

CRIMINAL APPLICATION NO. 2836 OF 2024

1. Girjabai W/o Wamanrao Gajewad
Age-90 years, Occu. Nil
R/o. Belge Nagar, Naigaon (Bz),
Tq. Naigaon (Kh.),
Dist. Nanded.
2. Shankar S/o Wamanrao Gajewad,
Age-54 years, Occu. Service
R/o : Belge Nagar, Naigaon (Bz),
Tq. Naigaon (Kh.),
Dist. Nanded.
3. Chandrakant S/o Wamanrao Gajewad,
Age-55 years, Occu. Service
R/o : Belge Nagar, Naigaon (Bz),
Tq. Naigaon (Kh.)
Dist. Nanded

.....APPLICANTS

1. The State of Maharashtra
Through Police Station, Satara,
Tq. Dist. Aurangabad.
(Copy to be served through the office
of the Public Prosecutor, High Court of
Judicature of Bombay Bench At Aurangabad)
2. Krantilaxmi W/o Narayan Gajewad
Age: 42 years, Occu : Service
R/o: C/o-Mrs.Asha S. Khillare,
Manjeet Pride Primo Pro. Ect by Pride Group,
A-1 Building Falt No. 201,
Near Mahanubhau Ashram,
Beed Byepass Road,
Chhatrapati Sambhajnagar (Aurangabad)

.....RESPONDENTS

...
Mr. R. M. Gaikwad, Advocate for Applicants
Mr. N. R. Dayama, APP for Respondents-State
...

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

Dated : March 25, 2025

PER COURT :-

. Present application has been filed for quashing the proceedings in RCC No.772 of 2024 pending before learned Judicial Magistrate First Class, Aurangabad arising out of F.I.R. vide crime No.0206 of 2023 registered with Satara Police Station, Aurangabad for the offenses punishable under Sections 498-A, 323, 504, 506 read with 34 of Indian Penal Code.

2. Heard learned Advocate for the applicants and learned APP for respondent No.1. Though the respondent No.2 was served, she remained absent.

3. Perusal of the F.I.R would show that what is not disputed is that the respondent No.2 got married to Narayan Wamanrao Gajewad on 27.06.2004. Said Narayan is the son of applicant No.1 and brother of applicant No.2 and 3. Further from the F.I.R. itself it can be seen that even the applicant No.1 was not residing with the respondent No.2 and her husband, but she used to occasionally visit the house of the respondent No.2 and her husband in Aurangabad.

4. The allegations, the respondent No.2 is making against the present applicant is that whenever the applicant No.1 used to come to her house in Aurangabad, she used to abuse the informant on the ground that the informant is unable to cook food properly. There are only daughters born to her but they want a son. Important point is that though, the marriage had taken place in 2004, the F.I.R. is lodged on 27.06.2023. These vague allegations cannot be taken as cruelty as defined under Section 498-A of Indian Penal Code. As against applicant No.2 and 3, she states that whenever they are used to domestic quarrels, the informant used to call her parents and applicant No.2 and 3, but applicant No.2 and 3 instead of giving some advice to the husband and mother-in-law used to take their side and abuse the informant. These allegations against the applicant are too vague and just to rope the relatives and therefore, it would be unjust to ask the present applicants to face the trial. Hence, following order:

ORDER

- i. Application stands allowed.
- ii. Proceedings in RCC No.772 of 2024 arising out of F.I.R. vide Cime No.206 of 2023 dated 17.06.2023 under Section 498-A, 323, 504, 506 read with 34 of

Indian Penal Code pending before learned Judicial
Magistrate First Class, Aurangabad stands quashed
and set aside as against present applicants.

(ROHIT W. JOSHI, J.)

(SMT. VIBHA KANKANWADI, J.)

Rushikesh/2025