



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL WRIT PETITION NO.952 OF 2023

- 1) Sheela Dharmraj Bhosale @
Sheela W/o Sambhaji Kamble Patil,
Age-56 years, Occu:Service,
R/o-Government Quarters,
Kasar Shirsi Road, Nilanga,
Taluka-Nilanga, District-Latur,
- 2) Subodh S/o Dharmraj Bhosale,
Age-48 years, Occu:Auto Driver,
R/o-Datta Nagar, Nilanga,
Taluka-Nilanga, District-Latur
(Brother of petitioner No.1 and
Maternal Uncle of respondent No.2's
husband).

...PETITIONER

VERSUS

- 1) The State of Maharashtra,
Through Police Inspector,
M.I.D.C. Police Station, Latur,
Taluka and District-Latur,
- 2) Monika W/o Swapnil Kamble,
@ Monika D/o Murlidhar Charekar,
Age-27 years, Occu:Household,
R/o-Charekar Niwas, Vikram Nagar,
Latur, Taluka and District-Latur.

...RESPONDENTS

...
Mr. Santosh B. Gastgar Advocate for Petitioners.
Mr. G.A. Kulkarni, A.P.P. for Respondent No.1 – State.
Mr. M.L. Dharashive Advocate for Respondent No.2.

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

DATE : 22nd JULY 2025

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

1. Present Petition has been filed, initially for quashing the First Information Report (for short "the FIR") vide Crime No. 364 of 2023, registered with M.I.D.C. Police Station, Latur, District-Latur on 20th May 2023, for the offence punishable under Sections 498-A, 504 read with Section 34 of the Indian Penal Code, and later on by way of amendment for quashing the proceedings in R.C.C. No.1088 of 2023, pending before the learned Judicial Magistrate First Class, Latur, District-Latur.

2. Heard learned Advocate Mr. Gastgar for the petitioners, learned APP Mr. Kulkarni for respondent No.1 and learned Advocate Mr. Dharashive for respondent No.2.

3. Learned Advocate for the petitioners submits that it is not in dispute that respondent No.2 got married to Swapnil Sambhaji Kamble, i.e. son of petitioner No.1 and nephew of petitioner No.2. Petitioner No.2 is the brother of petitioner No.1. Both the

petitioners were not residing with respondent No.2 and her husband. Omnibus allegations have been made against them. Respondent No.2 had completed her education from Pune. Swapnil had completed his Bachelor of Engineering from college at Nilanga. Husband of petitioner No.1 i.e. father of Swapnil had left the company of petitioner No.1 after the birth of Swapnil. Thereafter since 1991, petitioner No.1 is serving as junior clerk in Nilanga Court and she is residing in Government quarter. After marriage, respondent No.2 came to Nilanga and felt insulted to lead the life in Government quarter. Petitioner No.1 used to attend her duty daily and therefore, she used to be out of the house for a considerable time. Petitioner No.1 had suffered a lot in Covid-19 and was required to take 6 Remdesivir injections, which affected her health. Respondent No.2 was not ready to look after petitioner No.1 and left the company of her husband. Petitioner No.1 came to know about the delivery of respondent No.2 through relatives and she has not even taken care to inform about her delivery to petitioner No.1. Now respondent No.2 is making wild allegations. Petitioner No.2 has nothing to do with the day-to-day affairs and the happenings in the house of his sister. Therefore, it would be unjust to ask the petitioners to face the trial.

4. Per contra, the learned APP and learned Advocate for respondent No.2 strongly opposed the Petition and submitted that petitioner No.1 and Swapnil were residing under one roof and petitioner No.2 is also resident of same city i.e. Nilanga. Specific averments have been made that after respondent No.2 became pregnant, all the accused persons used to insult her and ask her to get herself aborted. Demand was made for amount for construction of the house. Medical aid was not given to her. Even message was given through one Sunita Gaikwad that the accused persons do not want the daughter but if the daughter is kept in orphanage, then they are ready to take respondent No.2 for cohabitation. The efforts for cohabitation were in vain. All these acts amount to cruelty and therefore, when the charge-sheet has been filed, let there be a trial.

5. Here it is to be noted that the petitioners are admitting that respondent No.2 is highly qualified. It has not been stated in the entire petition that where the son of petitioner No.1 i.e. husband of respondent No.2 was serving. Rather in Para No.6 of the Petition, it is stated that petitioner No.1 had suggested the couple to search job and settle in any city where they would get

job. That means, her son was unemployed and still it appears that he had performed the marriage. As he has performed the marriage, he has to take the responsibility. The informant states that after she became pregnant, the petitioners as well as her husband Swapnil asked her to get herself aborted as they had no intention to have child from respondent No.2. When such incident happens it certainly hurts a lady, as for a married girl it would be a dream to become mother. The informant states that after four months of pregnancy when she was suffering from stomach-ache, she was not given medical aid but she was sent alone, with one Digamber Bhande in his car on 19th October 2021, to her parental house. There is statement of said Digambar Bhande, who says that Swapnil had given him phone call and he was asked to take respondent No.2 at Latur, by a car.

6. It appears that respondent No.2 delivered a child on 24th December 2021. The informant then states that on 9th April 2022, petitioner No.1 and Swapnil went to the house of Sunita Vikas Gaikwad, who resides in the same lane where her parents are residing and they told Sunita that they will not take respondent No.2 for cohabitation but if she gives the daughter to orphanage, then she would be taken for cohabitation. Now, there

is statement of Sunita Gaikwad. She states that petitioner No.1 is her relative and she states that such kind of message was given to her. She states that she had tried to convince petitioner No.1 and Swapnil but they were not in a mood to listen. That means, there is evidence to support the FIR. So far as petitioner No.2 is concerned, he is residing in the same town and there are allegations in the FIR against him also and therefore, we do not take this to be a fit case where we should exercise our powers under Section 482 of the Code of Criminal Procedure.

7. The Writ Petition stands dismissed.

[SANJAY A. DESHMUKH]
JUDGE

[SMT. VIBHA KANKANWADI]
JUDGE

asb/JULY25