



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

**BENCH AT AURANGABAD**

**CRIMINAL APPLICATION NO.2541 OF 2022**

- 1) Prashant S/o Sudhakar More,  
Age-37 years, Occu:Private service,  
R/o-Shree Chamunda Garden, B-101,  
Thakurli East, Taluka-Kalyan,  
District-Thane,  
(Elder brother of accused No.1 Nilesh  
and brother-in-law of the informant),
- 2) Kajal W/o Prashant More,  
Age-29 years, Occu:Housewife,  
R/o-As Above.  
(Wife of applicant No.1 and Sister-in-law  
of the informant.

**...APPLICANTS**

**VERSUS**

- 1) The State of Maharashtra,
- 2) Rajashree W/o Nilesh More,  
@ Rajashree D/o Santosh Shekokare,  
Age-29 years, Occu:Household,  
R/o-At present Nehru Nagar, Plot No.25,  
Taluka and District-Jalgaon.

**...RESPONDENTS**

...  
Mr. Balraj P. Pande Advocate for Applicants.  
Mr. A.R. Kale, A.P.P. for Respondent No.1.  
Mr. V.P. Raje Advocate h/f. Mr. J.R. Shah Advocate  
for Respondent No.2.

...

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

**DATE : 9<sup>th</sup> JANUARY, 2025**

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

1. Present application has been filed for quashing the proceedings in R.C.C. No.313 of 2022 pending before the learned 5<sup>th</sup> Joint Civil Judge Junior Division and Judicial Magistrate First Class, Jalgaon, arising out of the First Information Report (for short "the FIR") vide Crime No.22 of 2022 registered with MIDC Police Station, Jalgaon for the offence punishable under Section 498-A of the Indian Penal Code.

2. Heard learned Advocate Mr. Pande for the applicants, learned APP Mr. Kale, for respondent No.1 and learned Advocate Mr. Raje holding for learned Advocate Mr. Shah for respondent No.2. In order to cut short, it can be stated that the learned Advocates appearing for the respective parties have made submissions in support of their respective contentions.

3. It is not in dispute that original accused No.1 Nilesh got married to respondent No.2 on 25<sup>th</sup> June 2019. Present applicant No.1 is the brother-in-law of respondent No.2 and present applicant No.2 is the wife of applicant No.1. Perusal of the FIR and the charge-sheet would show that the main allegations are against the husband and the mother-in-law. As regards the

present applicants are concerned, it is stated that they used to instigate accused No.1 by saying that he should say that the informant is not up to the standard of the family and by leaving her Nilesh can perform second marriage. But then she says that on that count present applicants used to abuse and give threat to her. These allegations are fake and omnibus. The statements of the witnesses are on the same line. It would be, therefore, unjust to ask the applicants to face the trial and case is made out for exercise of powers under Section 482 of the Code of Criminal Procedure. Hence the following order:-

### **ORDER**

(I) The Application stands allowed.

(II) The proceedings in R.C.C. No.313 of 2022 pending before the learned 5<sup>th</sup> Joint Civil Judge Junior Division and Judicial Magistrate First Class, Jalgaon, arising out of the First Information Report vide Crime No.22 of 2022 registered with MIDC Police Station, Jalgaon for the offence punishable under Section 498-A of the Indian Penal Code, stands quashed and set aside as against applicant No.1 - Prashant S/o Sudhakar More and applicant No.2 - Kajal W/o Prashant More.

**[ROHIT W. JOSHI]**  
**JUDGE**  
asb/JAN25

**[SMT. VIBHA KANKANWADI]**  
**JUDGE**