



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO.2452 OF 2023

1. Priti w/o Sandip Kawathekar
Age: 30 years, Occu.: Household.
2. Sandip s/o Trambak Kawathekar,
Age: 38 years, Occu.: Service.

All R/o. 100Q, 3B/03, BLDG SRPF,
GR.No.8, Goregaron East, Mumbai,
Mumbai-400065.

.. Applicants

Versus

1. The State of Maharashtra
Through Police Inspector,
Police Station, Nilanga,
Tq. Nilanga, Dist. Latur.
2. Sou. Laxami w/o Vinod Suryawanshi
Age: 24 years, Occu.: Household,
R/o. Po. Sirsal, Killari,
Tq. Ausa, District Latur.

.. Respondents

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Mr. S. C. Swami, Advocate for the applicants.
Mr. N. R. Dayama, APP for respondent No.1/State.
Mr. S. N. Lale Yelwatkar, Advocate for respondent No.2.

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

DATE : 22 APRIL 2025

ORDER :

. Present application has been filed initially for quashing the First
Information Report vide Crime No. 159 of 2023 dated 21.06.2023

registered with Killari Police Station, Taluka Nilanga, District Latur and later on, by way of amendment, for quashing the proceedings in Regular Criminal CaseNo.562 of 2023 pending before the learned Judicial Magistrate First Class, Ausa for the offences punishable under Sections 498-A, 323, 504, 506 read with Section 34 of Indian Penal Code.

2. Heard learned Advocate Mr. S. C. Swami for the applicants, learned APP Mr. N. R. Dayama for respondent No.1/State and learned Advocate Mr. S. N. Lale Yelwatkar for respondent No.2. In order to cut short, it can be said that all of them have made submissions in support of their respective contentions.

3. What is not in dispute is that present applicant No.1 is the sister-in-law of respondent No.2 and applicant No.2 is the husband of applicant No.1. The allegations against the applicants are that after the initial two years of good behaviour after marriage on 28.05.2015; all the accused persons including the present applicants started demanding amount of Rs.1,00,000/- and it is stated that she was driven out of the house with children on 13.01.2023 and it was stated that unless she brings amount, she will not be allowed to cohabit and she will not be kept alive. Important point is that the marriage had taken place on 28.05.2015 and she was treated properly for two years and then allegedly harassed on the count that she is having dark complexion and then it is stated that

she was asked to bring amount of Rs.1,00,000/- for business by the husband. When her parents and family members had persuaded the accused persons, she was treated properly for 3-4 months and then again the demand was made and at that time the informant takes the name of present applicants and states that the informant was driven out of the house along with children on 13.01.2023. That means, as regards the present applicants are concerned, the applicants are restricted to alleged act on 13.01.2023. One day's act of alleged harassment or ill treatment cannot be termed as 'cruelty' as defined under Section 498-A of Indian Penal Code. The matrimonial home of the informant is Sarvadi, Taluka Nilanga, District Latur, but she says that the husband was residing at Bainganwadi, Plot No.19, Mankhurd, Mumbai. Why the married sister-in-law, whose marriage appears to have taken place prior to the marriage of the informant, was residing with her parents is not stated. It appears that the present applicants are residing at a different place i.e. in Goregaon (East) in Mumbai and, therefore, it would be abuse of process of law to ask the applicants to face the trial. Hence, the following order :-

ORDER

- I) Criminal Application stands allowed.
- II) The First Information Report vide Crime No. 159 of 2023 dated 21.06.2023 registered with Killari Police Station, Taluka

Nilanga, District Latur as well as the proceedings in Regular Criminal CaseNo.562 of 2023 pending before the learned Judicial Magistrate First Class, Ausa for the offences punishable under Sections 498-A, 323, 504, 506 read with Section 34 of Indian Penal Code, stand quashed and set aside as against the present applicants i.e. (i) **Priti w/o Sandip Kawathekar** and (ii) **Sandip s/o Trambak Kawathekar**.

[SANJAY A. DESHMUKH]
JUDGE

[SMT. VIBHA KANKANWADI]
JUDGE

scm