



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

CRIMINAL APPLICATION NO.3728 OF 2024

1) Chhaya Jagannath Khapre,
(Mother-in-law of informant),
Age-55 years, Occu:Homemaker,
R/o-Dnyaneshwar Nagar, Sakla Plot,
Parbhani, District-Parbhani,

2) Jagannath Sudhakar Khapre,
(Father-in-law of informant),
Age-60 years, Occu:Service,
R/o-Dnyaneshwar Nagar, Sakla Plot,
Parbhani, District-Parbhani,

**(Application as against Applicant Nos.1 and
2 came to be dismissed as withdrawn as per
as per order dated 25th November 2024)**

3) Varsha Sandip Here,
(Sister-in-law of informant),
Age-37 years, Occu:Homemaker,
R/o- Jawala Panchal, Tq-Kalamnuri,
District-Hingoli, At present-Nandigram
Colony, Nandiram Society, Nanded,
District-Nanded,

4) Sandip Dagadappa Here,
(Husband of Applicant No.3),
Age-44 years, Occu:Service,
R/o- Jawala Panchal, Tq-Kalamnuri,
District-Hingoli, At present-Nandigram
Colony, Nandiram Society, Nanded,
District-Nanded.

...APPLICANTS

VERSUS

- 1) The State of Maharashtra,
Through Officer In charge,
Police Station Kotwali, Parbhani,
District-Parbhani,
- 2) Jyoti Rajaram Ratale @
Jyoti Vishal Khapare,
Age-22 years, Occu:Homemaker,
R/o-Vinkar Vasahat, Dhanegaon,
CIDCO, Nanded-431603.

...RESPONDENTS

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Ms. Neha Udavant Advocate h/f. Mr. S.J. Salunke
Advocate for Applicant Nos.3 and 4.
Application as against Applicant Nos.1 and 2 came to be
dismissed as withdrawn as per order dated 25th November
2024.

Ms. P.R. Bharaswadkar, A.P.P. for Respondent No.1.
Mr. S.R. Bagal Advocate h/f. Mr. B.N. Gadegaonkar
Advocate for Respondent No.2.

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

DATE : 25th MARCH, 2025

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

1. Present Application has been filed for quashing the First Information Report (for short "the FIR") vide Crime No. 190 of 2024 registered with Police Station Kotwali, Parbhani, District-Parbhani on 27th May 2024, for the offence punishable under Sections 498-A, 326, 324, 323, 504, 506 read with Section 34 of the Indian Penal Code.

2. Heard learned Advocate Ms. Neha Udavant holding for learned Advocate Mr. S.J. Salunke for applicants, learned APP Ms. Bharaswadkar for respondent No.1 – State and learned Advocate Mr. S.R. Bagal holding for learned Advocate Mr. B. N. Gadegaonkar for respondent No.2. In order to cut short, it can be stated that the learned Advocates for respective parties have argued in support of their contentions.

3. It will not be out of place to mention here itself that after hearing the learned Advocate for the applicants, when disinclination was shown to grant any relief to applicant Nos.1 and 2, learned Advocate for the applicants sought withdrawal of the Application as against applicant Nos.1 and 2. Accordingly, by order dated 25th November 2024, the Application came to be dismissed as withdrawn as against applicant Nos.1 and 2. The matter proceeded for the reliefs claimed on behalf of applicant No.3 – married sister-in-law of the informant and applicant No.4, husband of applicant No.3.

4. Perusal of the FIR would show that there are allegations against applicant No.3. It is stated that around 2.00 p.m.

to 2.30 p.m., on 26th May 2024, when the informant was eating banana, applicant No.2 asked her not to eat the same. On that count there was quarrel between the informant and applicant No.2, but that was pacified by applicant No.1. The informant and her husband thereafter went to their room and then the husband started assaulting the informant. He took bite of the left cheek and tried to strangle her. Then the informant opened the door of the bedroom and ran downwards. When she was about to go out on the road, applicant Nos. 1 to 3 went running behind her. Applicant No.3 caught hold of hairs of the informant and dragged her inside the house. When the informant was saying that she wants to go to the police station to lodge the report, she was prevented. The husband came with cutter and inflicted blows on her left hand and right thigh, resulting in bleeding injuries to her.

5. Thus, it can be seen that there are specific allegations against applicant No.3 and therefore, as against applicant No.3 there is no ground for exercise of powers under Section 482 of the Code of Criminal Procedure.

6. However, as regards applicant No.4 is concerned, he is the husband of applicant No.3. Except his name, no role has been

attributed to him and therefore, it would be an abuse of process of law if he is asked to face the trial. Hence, we pass following order:-

ORDER

(I) The Application stands partly allowed.

(II) The Application stands dismissed as against applicant No.3 - Varsha Sandip Here.

(III) The Application stands allowed as against applicant No.4.

(IV) The First Information Report vide Crime No. 190 of 2024 registered with Police Station Kotwali, Parbhani, District-Parbhani on 27th May 2024, for the offence punishable under Sections 498-A, 326, 324, 323, 504, 506 read with Section 34 of the Indian Penal Code, stands quashed and set aside as against applicant No. 4 - Sandip Dagadappa Here.

[ROHIT W. JOSHI]
JUDGE

[SMT. VIBHA KANKANWADI]
JUDGE