



IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

33 CRIMINAL APPLICATION NO. 3306 OF 2023

1. Praful Bhimrao Shingade,
2. Bhimrao Namdeo Shingade,
3. Shobha Bhimrao Shingade,
4. Vandana Ganpat Mule,
5. Vishal Ganpat Mule,
6. Akash Ganpat Mule. ... Applicants.

Versus

1. The State of Maharashtra,
Through Shillegaon Police Station,
(Notice be served through
P.P. High Court, Aurangabad)
2. Shalini Praful Shingade. ... Respondents.

...

Mr. Uttam L. Telgaonkar and. Mr. Nitin U. Telgaonkar, Advocate for Applicants.

Mr. V. K. Kotecha, APP for Respondent-State.

Ms. Kalpana Kulkarni Sonpawale, Advocate for Respondent No.2 (appointed Through Legal Aid).

...

**CORAM : SMT. VIBHA KANKANWADI &
MANJUSHA DESHPANDE, JJ.**

DATE : 16th APRIL, 2025

P.C.:

1. The present application has been filed initially for quashing the FIR vide C.R. No.271 of 2023 dated 22nd August 2023 registered

with Shillegaon Police Station, District Aurangabad and later on by way of amendment, for quashment of the proceedings in R.C.C. No.591 of 2023 pending before the learned Judicial Magistrate First Class, Gangapur, for the offences punishable under Sections 498-A, 323, 504, 506 read with Section 34 of the Indian Penal Code. It will not be out of place to mention here itself that when the matter was on board on 11th October 2023, the learned Advocate for the Applicants, on instructions, had withdrawn the application as against Applicant Nos.1 to 3, therefore, the matter has proceeded for the reliefs claimed by Applicant Nos.4 to 6.

2. Heard learned Advocate for the Applicants, learned APP for Respondent No.1-State and learned Advocate appointed through Legal Aid 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. From the contents of the FIR as well as the entire chargesheet where it is not in dispute that the informant-Respondent No.2 got married with original Applicant No.1 on 24th June 2018. Applicant Nos.2 and 3 are the parents of Applicant No.1. Applicant No.4 is the sister of mother-in-law/Applicant No.3. Applicant Nos.5 and 6 are the brother of Applicant Nos.3 and 4. Respondent No.2 and Original

Applicant No.1 are blessed with a daughter.

4. Taking into consideration the limited scope, now in view of the matter remaining only for the reliefs claimed on behalf of Applicant Nos.4 to 6, we would consider the material against them. In the FIR, Respondent No.2 states that by coming to the matrimonial home, Applicant Nos.4 to 6 used to instigate Applicant Nos.1 to 3. They used to instigate Applicant Nos.2 and 3 by giving wrong information regarding Respondent No.2 which used to instigate for further harassment of the informant then it is stated that on 8th April 2022 around 11.00 a.m. all the accused went to her matrimonial home and told the informant that she is enable to do household work properly, she is not giving honour to the elderly persons, her behaviour is not proper. She has begotten a daughter who lives to remain ill all the time and, therefore, she should bring amount from her mother for the expenditure on the medicines. The amount of Rs.50,00,000/- was demanded for purchasing a flat at Pune, when the informant told that her mother's financial condition is weak and they were unnecessarily harassing her because of the birth of the daughter, the accused persons got annoyed and, therefore, they abused her. The husband assaulted on her hand and thrown her out of the house. The first and the foremost fact that required to be considered is that Applicant Nos.4 to 6

are residing separately at a different place though in the same town, their occasional visits to the house of the relatives cannot be considered as the visits for giving ill-treatment. Now the first statement that Applicant Nos.4 to 6 used to instigate Applicant Nos.1 and 2 is concerned, the exact words of instigation have not been stated and only the instigation will not be the sufficient act in pursuant to alleged instigations would carry the importance. Further act upon such instigation has not been stated in respect of the alleged specific incident dated 8th April 2022 is concerned, it is hard to believe that all the six accused would have uttered the same words at the same time in chorus. In her FIR, Respondent No.2 has stated that her father-in-law got retired from the higher post in the police department. Her husband runs a security agency at Pune, however, they have their agricultural land and other businesses at Parbhani. Her husband used to go at Pune for 8 to 10 days from Parbhani to look after the agency. It has not been stated as to whether the husband had made up a mind to permanently shift to Pune and for that purpose, he was demanding the amount for purchasing a flat. The statements of other witnesses are on the same line. Thus, definitely there is a dispute between the husband and the wife, but to give the colour of cruelty, the specific acts of each of the accused ought to have been stated with this material, it would be inappropriate to ask Applicant Nos.4 to 6 to face the trial. We take that

this is a fit case to exercise the powers under Section 482 of the Code of Criminal Procedure in favour of Applicant Nos.4 to 6. Hence, we proceed to pass the following order:-

ORDER

- (i) Application is partly allowed.
- (ii) Application stood dismissed as withdrawn in view of order dated 11th October 2023.
- (iii) The petition stands allowed in respect of Applicant Nos.4 to 6. The proceedings bearing R.C.C. No.591 of 2023 pending before the learned Judicial Magistrate, First Class, Gangapur, arising out of FIR vide C.R. No.271 of 2023 dated 22nd August 2023, registered with Shillegaon Police Station, District Aurangabad, for the offences punishable under Sections 498-A, 323, 504, 506 read with Section 34 of the Indian Penal Code as against Applicant Nos.4 to 6 is quashed and set aside.

[MANJUSHA DESHPANDE, J.]

[SMT. VIBHA KANKANWADI, J.]