



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO.3549 OF 2023

1. Ganesh Bhagwan Khadse
2. Umabai Bhagwan Khadse
3. Ramesh Bhagwan Khadse
4. Naresh Bhagwan Khadse
5. Priti Ravindra Bansod
6. Ganesh Husan Uike
7. Asha Ganesh Uike

.. Applicants

Versus

1. The State of Maharashtra
Through Investigation Officer,
Kinwat Police Station,
Tq. Kinwat, Dist. Nanded.
2. Pooja Ganesh Khadse

.. Respondents

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Mr. S. B. Rajebhosale, Advocate for applicants.
Mr. A. M. Phule, APP for respondent No.1/State.
Mr. A. V. Patil, Advocate for Respondent No.2.

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

DATE : 02 JANUARY 2025

ORDER (Per Smt. Vibha Kankanwadi, J.) :-

. Present application has been filed for quashing the proceedings bearing R.C.C. No.143 of 2021 pending before the learned Judicial Magistrate First Class, Kinwat, Taluka Kinwat, District Nanded arising out of Crime No.201 of 2021 registered

with Kinwat Police Station, Taluka Kinwat, District Nanded for the offences punishable under Sections 498-A, 354-A, 504, 506 read with Section 34 of Indian Penal Code.

2. Heard learned Advocate Mr. S. B. Rajebhosale for the applicants, learned APP Mr. A. M. Phule for respondent No.1/State and learned Advocate Mr. A. V. Patil for respondent No.2.

3. It will not be out of place to mention here that after hearing learned Advocate for the applicants, when disinclination is shown to grant any relief in favour of applicant Nos.1 and 6, learned Advocate for the applicants seeks withdrawal of the application as against applicant Nos.1 and 6. Hence, application stands disposed of as withdrawn as against them. Matter to proceed for the reliefs claimed on behalf of applicant Nos.2 to 5 and 7.

4. It is not in dispute that respondent No.2 got married to applicant No.1 in 2014. They are blessed with a child, who is aged five years. It is also not in dispute that applicant No.1 husband faced trial for the offence punishable under Section 376 of Indian Penal Code and was in jail for about three years.

5. Applicant No.2 is the mother and applicant Nos.3 and 4 are the brothers of applicant No.1. Applicant No.5 is adopted daughter of applicant No.2. Applicant No.6 is the distant relative of applicant No.1 and applicant No.7 is the wife of applicant No.6.

6. The informant, in her FIR, has stated that after her marriage in 2014 with applicant No.1 she was treated properly for about some months. Thereafter, she was mentally harassed on trifle grounds. When her husband was in jail, at that time, her parents had spent about 10 to 12 lakh rupees on the litigation and after the husband came out, he started harassing the informant. Applicant Nos.1 to 5 were asking her to bring amount of Rs.5,00,000/-. Many times she was driven out of the house with her daughter by assaulting her. Applicant Nos.1 to 5 were helped by applicant Nos.6 and 7. She also states that applicant No.6 was instrumental in sending her husband to jail, but then in absence of applicant No.1 he was asking sexual favours from the informant. He had even tried to molest her after considering that she was alone on that day in the house. When she tried to inform the other accused about the same, all the accused were against her. She went to her parent's house five months prior to the FIR, but still applicant No.1 was harassing

her by giving threats and obscene messages on her mobile.

7. Statements of witnesses are on the same line. Statement of the mother, maternal aunts and cousin brothers of the informant would show that the amount was given for applicant No.1's litigation. It was spent on the bail applications of applicant No.1. As aforesaid, after disinclination is shown to grant any relief to applicant Nos.1 and 6, as there are allegations against them, we would consider only the role attributed to applicant Nos.2 to 5 and 7. The role attributed to them is vague. After applicant No.1 had returned, there was no necessity for more amount to be demanded by the other applicants. Applicant No.1 might be then interested in getting the said amount, but that cannot be attributed to the other applicants. With the contents of the FIR and the charge-sheet, case is made out for exercise of powers under Section 482 of the Code of Criminal Procedure to be used in favour of applicant Nos.2 to 5 and 7. Hence, the following order :-

ORDER

- I) Criminal Application stands partly allowed.
- II) Criminal Application stands disposed of as withdrawn as against applicant Nos.1 and 6.

III) Criminal Application stands allowed as against applicant Nos.2 to 5 and 7.

IV) The proceedings bearing R.C.C. No.143 of 2021 pending before the learned Judicial Magistrate First Class, Kinwat, Taluka Kinwat, District Nanded arising out of Crime No.201 of 2021 registered with Kinwat Police Station, Taluka Kinwat, District Nanded for the offences punishable under Sections 498-A, 354-A, 504, 506 read with Section 34 of Indian Penal Code, stands quashed and set aside as against applicant No.2 – Umabai Bhagwan Khadse, applicant No.3 - Ramesh Bhagwan Khadse, applicant No.4 - Naresh Bhagwan Khadse, applicant No.5 - Priti Ravindra Bansod and applicant No.7- Asha Ganesh Uike.

[ROHIT W. JOSHI]
JUDGE

[SMT. VIBHA KANKANWADI]
JUDGE

scm