



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 3598 OF 2023

1. Babasaheb s/o Sudamrao Gaikwad (withdrawn)
 2. Anilkumar s/o Sudamrao Gaikwad
 3. Shila @ Satwashila Anilkumar Gaikwad
 4. Vasant @ Suresh Sudamrao Gaikwad
 5. Lata w/o Vasant @ Suresh Gaikwad
 6. Sudm s/o Kondiba Gaikwad
 7. Sidharth s/o Sudamrao Gaikwad
 8. Meena w/o Sidharth Gaikwad
 9. Shilpa w/o. Ratan Kharat
- ...Applicants

versus

1. The State of Maharashtra
 2. Meena @ Minal w/o Babasaheb Gaikwad
- ...Respondents

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Mr. Bharat G. Londhe, advocate for the applicants
Mr. A.R. Kale, A.P.P. for respondent No.1

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**CORAM : SMT. VIBHA KANKANWADI AND
SANJAY A. DESHMUKH, JJ.
DATED : 3rd FEBRUARY, 2025**

PER COURT (PER SANJAY A. DESHMUKH, J.):-

1. After hearing for some time, when this Court expressed disinclination to allow the application of applicant No.1, learned advocate for the applicants, on instructions, seeks leave to withdraw the application of applicant No.1. Leave granted. The application of applicant No.1 – Babasaheb s/o Sudamrao Gaikwad, stands dismissed as withdrawn.

2. In so far as applicant Nos. 2 to 9 are concerned, by this application, filed under Section 482 of the Code of Criminal Procedure, 1973, they seek quashment of F.I.R. No. 249 of 2023, registered with Kotwali police station, Parbhani, for the offences punishable under sections 498-A, 323, 504, 506 r.w. 34 of I.P.C. and the consequential charge sheet No. 144 of 2023 (R.C.C. No. 715 of 2023), pending before the J.M.F.C. Parbhani.

3. It is averred in the report that the informant Meena married with Babasaheb Gaikwad, brother of applicant Nos. 2 to 5 and 7 to 9, on 24.07.2022. It is averred in the report that her husband was having two children from his earlier wife. After marriage, initially for 4/5 months, she was treated well. Thereafter, her husband started to make demand of Rs.10.00 lacs for purchasing a car. He threatened her that he will not allow her to live with him unless that amount is brought. The applicants used to tease her by saying that she is not auspicious woman (of the white legs) and since she came in the house, inauspicious things are happening in the house. They frequently used to tease her on one count or the other. It is alleged that applicant No.9 used to make phone calls to her husband and instigate him to harass the informant. On 12.02.2023, all the applicants had expelled her from the house and asked her not to come for cohabitation otherwise they will kill her. On 06.04.2023, she

made complaint to the Women's Grievance Redressal Forum, Parbhani but the applicants did not turn up in the office. Therefore, the report came to be registered against the husband of the informant and the applicants.

4. Learned advocate for the applicants submits that there are no specific allegations against the present applicants and they have been falsely implicated in the crime. Prior to marriage, accused No.1 told the informant about taking care of his elder son Prajwal who is intellectually disabled, but after the marriage the informant avoided to maintain the said Prajwal. Learned advocate further submits that the informant, on her own, left the matrimonial home. He further submits that there are general allegations against the applicants, as they are residing separately. Therefore, he prayed to quash the report as well as the charge sheet.

5. Learned A.P.P. for respondent No.1 State strongly opposed the application by submitting that the applicants have treated the informant with cruelty, physically as well as mentally. The applicants had also demanded huge amount of Rs.10,00,000/- for purchase of a car. Even they have abused and beaten the informant by fist and kick blows and expelled her from their house. They cannot be exonerated from the criminal liability. It is lastly prayed to reject the application.

6. Though respondent No.2 is duly served, none appears for her.

7. Perused the F.I.R. and the charge sheet. It appears that applicant Nos. 2 and 3 are residing at Nanded for the purpose of taking education. Applicant No.4 is serving at Aundha Nagnath with his family. Applicant Nos. 6, 7 and 8 are agriculturists and doing the agricultural activities at Karla, Tq. and district Parbhani whereas applicant No.9 is residing at her matrimonial home at Aurangabad. The allegations made against the applicants are vague and general in nature and no specific incident is pointed out. Even if the allegations in the FIR are taken as it is, no essential ingredients of offences as alleged are attracted against them. In such circumstances, if the applicants are compelled to face the trial, it would be certainly an abuse of process of Court. Therefore, we are inclined to allow the application to the extent of applicant Nos.2 to 9. Hence, the following order:-

O R D E R

- I. The application is allowed.
- II. The F.I.R. No. 249 of 2023, registered with Kotwali police

station, Parbhani, for the offences punishable under sections 498-A, 323, 504, 506 r.w. 34 of I.P.C. and the consequential charge sheet No. 144 of 2023 (R.C.C. No. 715 of 2023) pending before the J.M.F.C. Parbhani, are quashed to the extent of applicant Nos.2 to 9 herein.

(SANJAY A. DESHMUKH, J.)

(SMT. VIBHA KANKANWADI, J.)

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