



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

CRIMINAL APPLICATION NO.3855 OF 2022

1. Amol Namdeo Adhave,
Age 33 yrs, Occu : Service (Husband)
2. Namdeo Narayan Adhave
Age 63 years, Occu : Retired
3. Bebinanda Namdeo Adhave,
Age 53 yrs. Occu. Housewife
4. Rahul Namdeo Adhave
Age 35 years, Occu. Business
5. Amrapali Rahul Adhave
Age 29 years, Occu. Housewife
6. Vaishali Siddharth Jamdade
Age 29 years, Occu. Housewife
7. Siddharth Manohar Jamdade
Age 35 yrs, Occu. Service

..APPLICANTS

-VERSUS-

1. The State of Maharashtra
2. Bharti Amol Adhave,
Age- 29 yrs Occu. Housewife,
R/o. Plot No.92 Gat No.90/2,
Sahyadri Nagar, Satara Parisar,
Aurangabad
at present R/o. C/o Ganesh Sanduji Ratnaparkhi,
Smashan Maruti Road, Lane No. C-7,
Sanjay Nagar, Near Amar High School,
Aurangabad

..RESPONDENTS

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Advocate for the Applicants : Mr. Menezes Joslyn A.
APP for Respondent State : Mrs. P. R. Bharaswadkar

Advocate for Respondent No.2 : Mr. Rahul Gajanan Joshi

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CORAM : SMT. VIBHA KANKANWADI AND
SANJAY A. DESHMUKH, JJ.

DATED : 11th FEBRUARY 2025

O R D E R (PER SANJAY A. DESHMUKH, J.) :

1. This is an application for quashment of the First Information Report (for short 'FIR') vide Crime No. 348 of 2022 dated 05.10.2022 registered with Satara Police Station for the offences punishable under Sections 498-A, 354, 323, 504, 506 r/w. Section 34 of the Indian Penal Code along with Charge sheet bearing No.23 of 2023 dated 07.02.2023 and Regular Criminal Case No.423 of 2023 pending on the file of Judicial Magistrate First Class, Aurangabad.

2. It will be pertinent to mention here that during the course of hearing, after disinclination is shown to grant any relief to applicant Nos.1 and 7, on instructions, learned Advocate for the applicants seeks withdrawal of the application as against them. Accordingly the present application stands disposed of as withdrawn as against applicant Nos.1 and 7. We are, therefore, now considering the case of applicant nos.2 to 6 for quashment of the FIR.

3. Learned Advocate for the applicants pointed out that applicant

Nos.2 and 3 are in-laws of the informant. Applicant Nos.4 is the brother-in-law of the informant and applicant Nos.5 and 6 are sisters-in-law of the informant.

4. He further pointed out the report in which it is averred that the informant married with the son of applicant Nos.2 and 3 on 23.08.2020. After the marriage her husband as well as applicants started to harass her. They demanded Rs.5 lakhs for purchasing house. That amount was paid to them and thereafter they demanded Rs.2 lakhs for purchasing four wheeler vehicle. The informant refused to pay that amount. On the instigation of all the applicants her husband used to beat her. When her husband decided to go for Singapore for a job and informant was compelled to leave her job. She went to Singapore with her husband. She was again harassed there by her husband. She did not tell those harassment to her parents because her parents were old aged. On 28.09.2022 her husband suddenly took her to India. Her passport, Visa was also snatched by her husband. On the same day i.e., 28.09.2022 again she was harassed, beaten and abused by her husband for bringing money for purchasing four wheeler, on the occasion of Dussehra. On 29.09.2022 she was sent to her parent's house for bringing that amount. On 04.10.2022, father of the informant came to convince the applicants, however, they insulted and abused her father.

Her father left her there, at that time she was beaten by the applicants and when she tried to make phone call her mobile handset was snatched. Husband of applicant No.6 namely Siddharth Jamdade caught hold her hand and dragged her when she opposed that, he caught hold her chest and dragged her. She felt ashamed. That time all the applicants, her husband and husband of applicant No.6 threatened that unless she brings that amount they will not allow her to cohabit with her husband. She went to the Satara Police Station, Aurangabad. Police sent her to Ghati Hospital for treatment. Accordingly, she lodged the report alleging that when seven lakhs for purchasing the car was not paid to the applicants and husband of the informant and husband of applicant No.6, they ill-treated her. Therefore, she lodged the report.

5. Learned Advocate for the applicants submitted that vague allegations are made against the applicants. Informant was residing with her husband and not with the applicants. Applicant Nos.2 to 6 are residing separately. They are falsely implicated in the crime. There is no any specific allegation of causing cruelty against these applicants. It is lastly prayed to quash the report.

6. Learned A.P.P. Mrs. Bharaswadkar appearing for the State and learned Advocate Mr. Joshi for respondent No.2 strongly opposed the application and submitted that names of the applicants are mentioned

in the report. They have harassed the informant by demanding Rs. Seven lakhs for purchasing car. It is lastly prayed to reject the application.

7. On perusal of the report it appears that allegations made against these applicants are general in nature. There are no such specific allegations against these applicants as to when they treated the informant with cruelty. Informant was residing at Singapore with her husband. As far as demand of money is concerned, these are the allegations against the husband. Considering all these reasons, from the report and charge-sheet the essential ingredients of Section 498-A constituting cruelty are not establishing against these applicants. We are of the view that it would be an abuse of process of Court if the applicants are compelled to face the trial. Therefore, we are inclined to allow the application.

8. Hence the following order:-

ORDER

(i) The application is partly allowed.

(ii) The application with respect to applicant nos.1 and 7 stands disposed of as withdrawn.

(iii) The FIR vide Crime No. 348 of 2022 dated 05.10.2022 registered with Satara Police Station for the offences punishable under Sections 498-A, 354, 323, 504, 506 r/w. Section 34 of the Indian Penal Code along with Charge sheet bearing No.23 of 2023 dated 07.02.2023 and Regular Criminal Case No.423 of 2023 pending on the file of Judicial Magistrate First Class, Aurangabad are hereby quashed against applicant nos.2 to 6.

[SANJAY A. DESHMUKH]
JUDGE

[SMT. VIBHA KANKANWADI]
JUDGE

Narwade/