



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO.3977 OF 2022

- 1 Amol Gopichand Edake,
Age 41 yrs., Occ. Service,
R/o Near Tahsil Office, Ward No.1,
Shrirampur, Dist. Ahmednagar.
- 2 Surekha w/o Gopichand Edake,
Age 62 yrs., Occ. Household,
R/o Pasaydan Building,
Sonai, Rahuri Road, Tq. Newasa,
Dist. Ahmednagar.
- 3 Gopichand Vishwanath Edake,
Age 72 yrs., Occ. Retired,
R/o Pasaydan Building,
Sonai, Rahuri Road, Tq. Newasa,
Dist. Ahmednagar.
- 4 Pravin Gopichand Edake,
Age 40 yrs., Occ. Service,
R/o Amalner,
Dist. Ahmednagar.
- 5 Babasaheb Mohiniraj Bhagat,
Age 72 yrs., Occ. Agri.,
R/o Salabatpur, Tq. Newasa,
Dist. Ahmednagar.

... Applicants

... Versus ...

- 1 The State of Maharashtra
Through
Police Station, Yusuf Wadgaon,
Tq. Kaij, Dist. Beed.

2 Vanita d/o Pandurang Raut,
Age 30 yrs., Occ. Nil,
R/o Yusuf Wadgaon,
Tq. Kaij, Dist. Beed.

... **Respondents**

...

Mr. C.V. Dharurkar, Advocate h/f Mrs. Priya S. Gondhalkekar, Advocate for
applicants

Mr. A.D. Wange, APP for respondent No.1

Mr. A.B. Jagtap, Advocate for respondent No.2

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**CORAM : SMT. VIBHA KANKANWADI &
SANJAY A. DESHMUKH, JJ.**

RESERVED ON : 29th JANUARY, 2025

PRONOUNCED ON : 04th MARCH, 2025

ORDER : (PER : SMT. VIBHA KANKANWADI, J.)

1 Present application has been filed under Section 482 of the Code of Criminal Procedure for quashing proceedings in Regular Criminal Case No.258/2022 pending before learned Judicial Magistrate First Class, Kaij, Dist. Beed, arising out of First Information Report vide Crime No.90/2022 dated 17.06.2022 registered with Police Station, Yusuf Wadgaon, Tq. Kaij, Dist. Beed, for the offence punishable under Sections 498-A, 323, 504, 506 read with Section 34 of the Indian Penal Code, 1860.

2 Heard learned Advocate Mr. C.V. Dharurkar holding for learned Advocate Mrs. Priya S. Gondhalekar for applicants, learned APP Mr. A.D. Wange for respondent No.1 and learned Advocate Mr. A.B. Jagtap for respondent No.2. In order to cut short, it can be said that they have argued in support of their respective contentions.

3 The fact which is not in dispute is that applicant No.1 got married to respondent No.2 on 22.08.2018. It is also not in dispute that real sister of respondent No.2 – informant viz. Anita is given in marriage to applicant No.4 Pravin and Anita has filed First Information Report vide Crime No.61/2022 on 28.04.2022 with the same Police Station against present applicant Nos.2 to 5, for the offence punishable under Sections 498-A, 323, 504, 506 read with Section 34 of the Indian Penal Code, 1860.

4 Perusal of First Information Report would show that the informant says that she was treated properly for only one month after the marriage, but thereafter applicant Nos.1 to 4 started harassing her. Interesting point to be noted is that Anita had given her date of marriage as 10.07.2018 and has stated that she was treated properly for about two months after the marriage. If she was treated with ill-treatment, whether she would have accepted her real sister as the wife of her brother-in-law, is a question. Further, the present informant states that she was asked to bring

22 tolas of gold and on the said demand she was harassed. The other allegations are that pinching words were given and taunting was given that she does not behave properly. Her sister Anita has stated that her husband Pravin has two daughters from his first wife and then from Pravin she has a daughter born on 20.10.2020, who was the test tube baby and then she states that she was harassed on the count as to how she could deliver daughter only. She also states that she was asked to bring 22 tolas of gold from her parents. Both of them have given the date of driving them out of the house as 23.01.2021. It cannot be the only coincidence. The real dispute appears to have suppressed. Now, in the affidavit-in-reply the informant has stated that the fact of divorce by applicant No.4 from his earlier wife was on 28.06.2018 and he got married to her sister on 10.07.2018, that means, immediately after that. In respect of pleading in the application, wherein it is stated that applicant No.4 got married to sister Anita on 01.08.2019, is stated to be suppression of fact. Here, all these things cannot be taken as acts of ill-treatment or cruelty because the act will have to be construed to particular persons. Bare perusal of First Information Report would show that no specific acts are attributed to each one of the accused and as aforesaid, it cannot be coincidence that same demand is made to the informant Vanita and to her sister Anita, who has also lodged the First Information Report for the similar offence and then both of them were driven out of the house on

the same day. When there is suppression of fact and improvement in the affidavit-in-reply which cannot be taken as First Information Report, case is made out for quashment of the proceedings. The statements of witnesses are on the similar lines giving no details of acts of cruelty and filled with omnibus allegations. Hence, following order.

ORDER

- i) Criminal Application stands allowed.
- ii) The proceedings in Regular Criminal Case No.258/2022 pending before learned Judicial Magistrate First Class, Kaij, Dist. Beed, arising out of First Information Report vide Crime No.90/2022 dated 17.06.2022 registered with Police Station, Yusuf Wadgaon, Tq. Kaij, Dist. Beed, for the offence punishable under Sections 498-A, 323, 504, 506 read with Section 34 of the Indian Penal Code, 1860, stands quashed and set aside as against applicant Nos.1) **Amol Gopichand Edake**, 2) **Surekha w/o Gopichand Edake**, 3) **Gopichand Vishwanath Edake**, 4) **Pravin Gopichand Edake** and 5) **Babasaheb Mohiniraj Bhagat**.

(**SANJAY A. DESHMUKH, J.)**

(**SMT. VIBHA KANKANWADI, J.)**