



IN THE JUDICATURE OF HIGH COURT AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 3966 OF 2023

1. Dhondiram S/o. Maroti Ghodke,
Age : 62 Years, Occu. : Agriculture,
R/o. Gavhan, Jalkot, Tq. Jalkot,
Dist. Latur.
2. Sarjabai W/o. Dhondiram Ghodke,
Age : 62 Years, Occu. : Household and Labour,
R/o. Gavhan, Jalkot, Tq. Jalkot,
Dist. Latur.
3. Piraji S/o. Dhondiram Ghodke,
Age : 37 Years, Occu. : Private Service,
R/o. Gavhan, Jalkot, Tq. Jalkot,
Dist. Latur.
4. Shakuntalabai W/o. Piraji Ghodke,
Age : 34 Years, Occu. : Household and Labour,
R/o. Gavhan, Jalkot, Tq. Jalkot,
Dist. Latur.
5. Limbaji S/o. Dhondiram Ghodke,
Age : 31 Years, Occu. : Service,
R/o. Gavhan, Jalkot, Tq. Jalkot,
Dist. Latur.

.... Applicants

VERSUS

1. The State of Maharashtra,
Through Police Inspector,
Jalkot Police Station,
Tq. Jalkot, Dist. Latur.
2. Ishwari W/o. Limbaji Ghodke,
Age : 21 Years, Occu. : Nil,
R/o. Gavhan, Jalkot,
Tq. Jalkot, Dist. Latur.
At present R/o. Tukaram Nivas,
Bhagirathi Rajya Nagar,
Udgir, Tq. Udgir, Dist. Latur.

.... Respondents

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Advocate for Applicants : Mr. Umakant B. Deshmukh
Addl. P.P. for Respondent No.1-State : Mr. P.S. Patil
Advocate for Respondent No.2 : Mr. Ajinkya Reddy
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**CORAM : SMT. VIBHA KANKANWADI &
SANJAY A. DESHMUKH, JJ.**

Dated : 11th July 2025

ORDER [PER SANJAY A. DESHMUKH, J.] :-

1. Heard learned Advocate for both sides as well as learned Addl. P.P. for the State.

2. This is an application for quashing the First Information Report (hereinafter referred to as “the F.I.R.”) and charge-sheet in R.C.C. No.274 of 2023, under Section 482 of the Code of Criminal Procedure, 1973 (hereinafter referred to as “the Cr.P.C.”), pending before the learned Judicial Magistrate First Class, Udgir, Dist. Latur, arising out of Crime bearing No.0017 of 2023, registered with Jalkot Police Station, Dist. Latur, dated 18.01.2023, for the offences punishable under Sections 307, 326, 324, 323, 427, 143, 147, 148, 149, 504, 506 and 201 of the Indian Penal Code, 1860 (hereinafter referred to as “the I.P.C.”) and Section 135 of the Maharashtra Police Act, 1951.

3. After hearing both sides, when this Court expressed disinclination to grant any relief to applicant Nos.1 to 3 and 5, learned Advocate for the applicants sought withdrawal of the application to the extent of applicant Nos.1 to 3 and 5. Therefore, this application is dismissed as withdrawn against applicant Nos.1 to 3 and 5.

4. Learned Advocate for the applicants pointed out the report dated 18.01.2023, in which respondent No.2/informant averred that she is residing with her husband, parents-in-law, three brothers-in-law, their wives and one sister-in-law. Her husband is serving in the army.

5. The informant further averred in her report that on 14.01.2023, at around 09.00 p.m., she informed her husband viz. Limbaji Ghodke that his father viz. Dhondiram Ghodke and brother-in-law viz. Piraji Dhondiram Ghodke, were looking at her with improper and doubtful intention. Her husband said her that they are not of such a nature. That time, he quarreled with her. He hurled abuse and beat her by fist and kick blows. Her mobile handset, an OPPO device was broken down by her husband. He extracted the petrol from a motorcycle, parked in front of the house and threatened

to set her ablaze. That time, her father-in-law Dhondiram Ghodke, restrained her, which her husband poured petrol on her person. Her brother-in-law Piraji was having matchstick in his hand with intent to set her ablaze. That time, applicant No.4, the wife of brother-in-law Piraji, intervened and said that the informant is frightened. She stopped them. That time, her husband said that why she is intervening and slapped her.

6. The informant further averred in her report that thereafter, her mother-in-law Sarjabai and applicant No.4 removed her saree, blouse, undergarments, bressure and petticoat and burnt it on the slab of the house. That time, they both directed her to take a bath. For entire night, her husband and parents-in-law and brother-in-law kept her under surveillance.

7. The informant further averred in her report that on 15.01.2023, her husband directed her to make a phone call to her father Shyam Gaikwad. She called him. Her father came at 09.30 a.m. along with her mother Jayshree Gaikwad and brother Omkar Gaikwad on the motorcycle. She narrated the incident dated 14.01.2023 to them. That time, her husband and father-in-law came there. They directed her father and brother to stand up. Her father-in-law then slapped her father and in response, her father also slapped

her father-in-law. Her husband, parents-in-law, brother-in-law and sister-in-law brought the sticks and rods. They beat her parents and brother Omkar with it. Her father sustained injuries to his head, legs, hands and back. Her brother sustained injuries to his head, leg and back. Her husband bite on the upper arm of left hand of her mother and struck her mother's left arm. He also beat her mother on her left hand's arm. Her father-in-law also beat her mother with stick on the left side of her abdomen. Neighbor viz. Guture Uncle came there and rescued that quarrel. Some villagers was also witnessed the incident. Therefore, she lodged the report.

8. Learned Advocate for the applicants submitted that applicant No.4 is falsely implicated in the present crime. She has been roped in the present crime due to estranged relationship of the informant and her husband. At the time of alleged incident of set-ablaze the informant, it is contended in the F.I.R. that, applicant No.4 prevented the other applicants to do so and rescued the informant from the applicants. Her conduct does not establish her criminal intention. The essential ingredients of above mentioned offences are not established against this applicant. If she is compelled to face the trial, it would certainly be an abuse of the process of the Court. It is lastly prayed to allow the application.

9. Learned APP for the State and learned Advocate for respondent No.2/informant strongly opposed the application and submitted that applicant No.4 committed a crime of cruelty, etc. against the informant. She abused and beat her. She has supported the other applicants while attempting to set ablaze the informant and taken active part in committing the cruelty to the informant. Thus, no case is made out to exercise the powers under Section 482 of Cr.P.C., as the investigation is over, charge-sheet is filed and let the trial be completed. It is lastly prayed to reject the application.

10. We have gone through the charge-sheet, particularly the report and the statements of witnesses and the injury certificate. The witnesses have stated similar facts as stated by the informant in her report. The informant has sustained injuries on her left partial region, left occipital region, right forearm, left foot and left knee. There are injury certificates of her father, mother and brother. Other applicants i.e. applicant Nos.1 to 3 and 5 have withdrawn their application against whom there are allegations of causing cruelty to the informant by beating.

11. As far as applicant No.4 is concerned, in the first incident dated 14.01.2023, she had prevented and controlled the informant's

husband and parents-in-law when they were trying to set ablaze the informant. In the incident dated 15.01.2023, it is alleged that applicant No.4 was present there. There is specific allegation against the husband and parents-in-law of the informant that, that time, they assaulted the informant, her father, mother and brother. Neither the informant nor any of the witnesses have stated that applicant No.4 beat any of the injured. Therefore, on the basis of material on record, particularly from the entire charge-sheet, the overt act of applicant No.4 is not established under Sections 307, 326, 324, 323, 427, 143, 147, 148, 149, 504, 506 and 201 of the I.P.C.

12. Considering all the aspects, above reasons and law laid down in the authorities cited supra, if applicant No.4 is compelled to face the trial, it would certainly be an abuse of the process of the Court. We are, therefore, inclined to exercise our powers under Section 482 of the Cr.P.C. to quash the report and charge-sheet in the interest of justice to prevent the abuse of the process of the Court against applicant No.4. The application deserves to be partly allowed. Hence, the following order.

ORDER

- I) The application is partly allowed.

- II) The application is dismissed as withdrawn against applicant Nos.1 to 3 and 5.
- III) The First Information Report and charge-sheet in R.C.C. No.274 of 2023, pending before the learned Judicial Magistrate First Class, Udgir, Dist. Latur, arising out of Crime bearing No.0017 of 2023, registered with Jalkot Police Station, Dist. Latur, dated 18.01.2023, for the offences punishable under Sections 307, 326, 324, 323, 427, 143, 147, 148, 149, 504, 506, 201 of the Indian Penal Code, 1860 and Section 135 of the Maharashtra Police Act, 1951 stands quashed against applicant No.4.

[SANJAY A. DESHMUKH]
JUDGE

[SMT. VIBHA KANKANWADI]
JUDGE

asd