



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

57 CRIMINAL APPLICATION NO. 4068 OF 2023

SAGAR RAMESH NIKAM AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

...
Advocate for Applicant : Mr. B. S. Chondhekar
APP for Respondent-State : Mr. V. K. Kotecha
...

**CORAM : SMT. VIBHA KANKANWADI AND
MANJUSHA DESHPANDE, JJ.**

DATE : 10th FEBRUARY, 2025

ORDER :

1. Present application has been filed for quashment of proceedings in Regular Criminal Case No. 1366 of 2021 pending before the learned Judicial Magistrate First Class, Aurangabad arising out of Crime No. 48 of 2021 registered with Pundlik Nagar Police Station, Aurangabad for the offences punishable under Sections 498-A, 323, 504, 506 and 507 read with Section 34 of the Indian Penal Code. It will not be out of place to mention here that when the matter was on board on 10.11.2023, this Court had permitted the withdrawal of the application by applicant No. 1-husband. Therefore, the matter proceeded for the other applicants.

2. Though the respondent No. 2 has been served, she failed to appear.

3. Heard learned Advocate for the other applicants and learned APP for respondent No. 1-State and perused the contents of the charge-sheet.

4. We are constraining ourselves to the relief claimed by the applicants remaining in the present application, in view of withdrawal of the application as against applicant No. 1. Perusal of the FIR and the contents of the charge-sheet would show that the marriage between original applicant No. 1 and the respondent No. 2 has taken place on 11.03.2020. She states that she was treated properly for about 10 days only and thereafter, amount of Rs. 2,00,000/- was demanded towards the arrears of house rent and thereafter, as the husband had intention to marry the daughter of his maternal uncle, FIR states that she was harassed and as regards the mother-in-law and brother-in-law are concerned, she says that she was abused on the domestic reasons. The sister-in-law and her husband had given phone call on 12.04.2020 around 9.00 p.m. and the informant and her father were abused.

5. The question arises as to for what purpose, the informant had gone to her parental home on 12.04.2020. It is not explained. Then there are allegations against husband. The FIR has been lodged on 12.02.2021. The FIR does not show that the informant ever returned after 12.04.2020 to her matrimonial home. The allegations against the present applicants are vague and omnibus. The contents of the FIR and the charge-sheet do not disclose the cruelty as defined under Section 498-A of the IPC and therefore, this is a fit case where we should exercise our powers under Section 482 of the Code of Criminal Procedure.

6. Therefore, the application stands allowed and disposed of. The proceedings in R.C.C. No. 1366 of 2021 pending before the JMFC, Aurangabad arising out of FIR No. 48 of 2021 for the offence punishable under Sections 498-A, 323, 504, 506 and 507 of the IPC, stands quashed and set aside as against applicant No. 2 Amol Ramesh Nikam, No. 3 Mangal Ramesh Nikam, No. 4 Priya Hitesh More and No. 5 Hitesh Dhanraj More.

[MANJUSHA DESHPANDE]
JUDGE

[SMT. VIBHA KANKANWADI]
JUDGE