



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CRIMINAL APPLICATION NO. 11 OF 2023

1. Shyam S/o Mashnaji Yesmod,
Age : 43 Years, Occ. Service
R/o. Gadewadi Tq. Ahmedpur,
Dist. Latur.
2. Mashnaji S/o Govind Yesmod,
Age : 70 Years, Occ. Pensioner,
R/o. As above.
3. Kavita D/o Mashnaji Yesmod,
Age : 32 Years, Occ. Household,
R/o. As above

..Applicants
(Orig. Accused)

VERSUS

1. The State of Maharashtra,
Through Police Station Chakur,
Dist. Latur
2. Madhuri W/o Shyam Yesmod,
Age : 35 Years, Occ. Service,
as village development Officer,
R/o. Shrikrushna Nagar, Nanded

.. Respondents
(Original complainant)

....

Advocate for the applicants : Mr. N. G. Kale
A.P.P. for Respondent/State : Mr. V. K. Kotechya
Advocate for Respondent No.2 : Mr. Shaikh Wajeed Ahmed

....

**CORAM : SMT.VIBHA KANKANWADI AND
ROHIT W. JOSHI, JJ**

DATED : JANUARY 14, 2025

JUDGMENT (PER ROHIT W. JOSHI, J):-

1. The applicants in the present matter are husband, father-in-law and sister-in-law of respondent No.2. The marriage of respondent No.2 was solemnized with applicant No.1 in the year 2005. They are blessed with two daughters who are now aged about 18 and 12 years. Respondent No.2 has lodged F. I. R. against the applicants for the offence punishable under Sections 498-A, 354-A, 324, 327, 504, 506 read with Section 34 of the Indian Penal Code with Chakur Police Station, District Latur on 17.10.2020 vide F. I. R. No. 0374/2020. By the present application, the applicants have challenged the said F. I. R. and Regular Criminal Case No. 203 of 2020 which is registered against them pursuant to the said F. I. R.

2. The allegations in the F.I.R. are that the relationship between applicants and respondent No.2 was normal. Both applicant No.1 and respondent No.2 are in service. Respondent No.2 states that marital discord started due to persistent insistence of the applicants to transfer the house standing in the name of respondent No.2, in the name of applicant No.1. She states that from 07.10.2015 onwards

applicants started harassing her, insisting upon her to transfer the house in the name of her husband i.e. applicant No.1. She has stated that she was mentally and physically harassed for the said purpose.

3. The present application was disposed of as withdrawn with respect to applicant No.1 as per order dated 24.07.2023. We are considering the case with respect to applicant Nos. 2 and 3.

4. Respondent No.2 has alleged that while she was at Mudkhed for the purpose of her service on 05.03.2020, the applicant No.1 has taken both the daughters to her matrimonial home at Gadewadi, Taluka Ahmedpur. He started harassing her over telephonic calls, asking her to transfer the house in his name. Thereafter, she states that she had approached the Women Grievance Redressal Cell in order to attempt reconciliation and in the meeting held for that purpose, applicant No.1 insisted that she should execute a document undertaking to accept five conditions put up by him, one of which was that she will stay at Udgir and attend her duty at Mudkhed by doing up and down from Udgir. Respondent No.2 states that she agreed

both these conditions including condition of staying at Udgir. However, on 14.10.2020, when she returned after her working hours from Mudkhed to Udgir, she found that applicant No.1-husband and both the daughters were not in the house. The next date i.e. 15.10.2020 was the elder daughter's birthday. While exchanging greetings, the elder daughter informed her that applicant No.1 and both daughters were at Degloor. She states that she went to Gadewadi in the evening at 5.00 p.m. Applicant No.3 saw her coming from main gate and immediately started abusing her asking her to leave the house. Applicant No.1 also joined his sister. The allegations against applicant No.2- father-in-law is that while the quarrel was on going between applicant Nos. 1 and 3 and respondent No.2, applicant No.2 reached the house and started beating respondent No.2. Respondent No.2 alleges that he pulled her to the ground by holding her hand and thereafter tried to get over her body in order to outrage her modesty. She also alleges that applicant No.2 had kicked her in the stomach and private part. She further alleges that applicant No.3 tried to strangulate her by pressing her neck.

5. Learned counsel for the Applicants Shri. N. G. Kale contended

that the allegations are highly improbable and unbelievable. He states that applicant Nos. 2 and 3 are unnecessarily being implicated in the offence only because of marital discord between applicant No.1 and respondent No.2.

6. As against this, learned A.P.P. Shri. V. K. Kotechya appearing for respondent No.1 and learned Advocate for Respondent No.2 urge that the allegations in the F.I.R. are clear and definite and therefore, at this stage F.I.R. cannot be quashed. They submit that a mini trial cannot be conducted at this stage in order to ascertain veracity of the allegations.

7. Having heard the learned Advocate and on perusal of the record, with their able assistance, we find that there is substance in the submissions advanced by the learned A.P.P. and learned Advocate for Respondent no.2.

8. The allegations in the F.I.R. are clear and definite. Respondent No.2 has attributed specific role of applicant Nos. 2 and 3. The allegations of causing injury is also corroborated by injury certificate

which is part of the charge sheet. In view of such allegations, which have a *prima facie* corroboration, we do not think it fit to interfere in the matter in our inherent jurisdiction under Section 482 of the Code of Criminal Procedure. In the result, application stands rejected.

(ROHIT W. JOSHI)
JUDGE

(SMT. VIBHA KANKANWADI)
JUDGE

Y.S. Kulkarni