



(This order is corrected in view of speaking to the minutes of the order dated 18.03.2025)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO.4951 OF 2024

1. Mr. Pratap Rambhau Hatote
Age: 60 years, Occu.: Retired,
R/at Kashinath Nagar, Pangari
Road, Beed 431122 having
alternate address at
S/o. Hatote Rambhau, Mudhapuri,
Beed, Khandavi,
Maharashtra 431143.
2. Mrs. Chandrakala Pratap Hatote,
Age: 56 years, Occu.: Household,
R/at W/o. Hatote Pratap,
Kashinath Nagar, Pangari Road, Beed.
3. Mr. Shirishkumar Prataprao Hatote
Age: 26 years, Occu.: Business,
R/at S/o. Hatote Pratap,
Kashinath Nagar,
Pangari Road, Beed 431122.
4. Mr. Satishkumar Prataprao Hatote
Age: 24 years, Occu.: Agri.,
R/at S/o. Hatote Pratap,
Kashinath Nagar, Pangari Road,
Beed 431122.

.. Applicants

Versus

1. The State of Maharashtra
Through the Senior Police Inspector,
Beed (Rural) Police Station,
Beed.
2. Smt. Pragati Sanjeev Hatote
Age: 27 years, Occu.: Not known,
R/at Loladgaon, Tq. And Dist. Beed.

.. Respondents

...
Mr. Rohit P. Karhadkar, Advocate for the applicants.
Mrs. P. R. Bharaswadkar, APP for respondent No.1/State.
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**CORAM : SMT. VIBHA KANKANWADI AND
SANJAY A. DESHMUKH, JJ.**

DATE : 20 FEBRUARY 2025

ORDER [Per Smt. Vibha Kankanwadi, J.] :-

. Present application has been filed by invoking the inherent powers of this Court under Section 482 of the Code of Criminal Procedure for quashing the proceedings in Regular Criminal Case No.272 of 2023 pending before the learned Chief Judicial Magistrate, Beed arising out of FIR vide Crime No.95 of 2023 registered with Beed Rural Police Station, District Beed on 20.04.2023 for the offences punishable under Sections 498-A, 504, 506 read with Section 34 of Indian Penal Code.

2. Heard learned Advocate Mr. Rohit P. Karhadkar for the applicants and learned APP Mrs. P. R. Bharaswadkar for respondent No.1/State. There is no necessity to issue notice to respondent No.2. In order to cut short it can be said that learned Advocate for the applicant submitted his arguments in support of his contention.

3. From the contents of the FIR and the entire charge-sheet what is not in dispute is that respondent No.2 had got married to one Sanjeev Pratap Hatote – son of applicant Nos.1 and 2 and

brother of applicant Nos.3 and 4 on 21.05.2017. After marriage, respondent No.2 and her husband Sanjeev used to reside at Kalyan, Dombivali as his employment with a private company was there. However, unfortunately Sanjeev committed suicide for some unknown reason on 01.02.2022. Respondent No.2 and Sanjeev were blessed with son, who was aged 4 years when the FIR was lodged. Further, it is also not in dispute that applicant No.1 has filed Miscellaneous Civil Application before the learned District Court, Beed under Section 7 of Guardians and Wards Act, 1890 for custody of the son of respondent No.2 and Sanjeev, to which respondent No.2 has given reply. Further, applicant Nos.1 and 2 have filed an application with Civil Judge Senior Division, Beed bearing Miscellaneous Civil Application No.802 of 2022 under Section 2 of the Bombay Regulation Act, 1827 for heirship certificate.

4. Perusal of the FIR would show that after the suicide by Sanjeev, informant and son came to reside in the matrimonial home and they were there till March 2022, where all the applicants were residing in one house. She states that all the applicants used to harass her by giving insulting words by saying that Sanjeev committed suicide because of her and she

should not reside with them. She states that she was kept starving and harassed mentally and physically. They were not allowing her to speak with her relatives if they used to come to meet her. They were also giving threats stating that she should give them the amount which would be received in respect of insurance and provident fund of her husband and if she wants to reside with them, then she should bring amount of Rs.5,00,000/- from her parents. She had stated that due to the poor financial condition of her parents, she is unable to give that amount. At that time, she was driven out of the house in March 2022. Initially, the son was not given in her custody by the applicants, but thereafter after 15 days with the help of mediation by relatives, the custody was given and since then she is residing with her parents. Her FIR is supported by statement of her father Vikas Ghodke, mother – Sudamati Vikas Ghodke, cousin sister – Anurudhara Gangadhar Ghodke, paternal uncle – Ashok Bapurao Ghodke and maternal uncle – Navnath Sadashiv Doiphode. Here, the present applicants themselves have annexed the copy of their application under Section 7 of the Guardians and Wards Act, wherein applicant No.1's contention is that the informant had left her son with him i.e. his family and then in

the month of September, the respondent had forcibly taken her son from them and was preventing them from meeting with him. Copy of the written statement is also filed wherein this fact is denied by the informant. Even in her FIR, she had stated that initially the custody of son was not handed over to her, but later on with the help of mediation by the relatives, the custody was handed over. Further, she has contended that she got the information that applicant No.1 was getting service benefits of deceased payable by the company and thereby she had objected for the same, but by that time, the applicant had received amount of Rs.74,000/- and the balance payment was stopped. Then the applicant had denied the insurance policy claim to her worth Rs.3,7,833/-. For that purpose, she has filed a suit. It also further appears that the present applicant Nos.1 and 2 have also filed application for getting heirship certificate, however, by order dated 12.08.2022, learned 8th Joint Civil Judge Junior Division, Beed has passed the order of returning the application for its presentation before the Court of proper jurisdiction. Denying rights of the widow i.e. the wife of son and also as regards applicant Nos.3 and 4 when it is stated that they were also demanding the amount to be paid to them and driving her

out of the matrimonial home are the *prima facie* acts of cruelty and, therefore, this is not a fit case where the powers under Section 482 of the Code of Criminal Procedure should be exercised. The application therefore stands rejected.

[SANJAY A. DESHMUKH]
JUDGE

[SMT. VIBHA KANKANWADI]
JUDGE

scm