

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

41 CRIMINAL APPLICATION NO. 4283 OF 2023

1. Prasad Mariba Lokhande,
(Father in law of informant)
Age. 51 years, Occu. Labour,
R/o Rajeev Nagar Zopadpatli,
Near Police Station, Indira Nagar, Nashik,
Tq. & Dist. Nashik.
2. Shobha Prasad Lokhande,
(Mother in law of informant)
Age. 47 years, Occu. Maid,
R/o Rajeev Nagar Zopadpalli,
Near Police Station, Indira Nagar, Nashik,
Tq. & Dist. Nashik.
3. Rama Rahul Bhavale,
(Married Sister in law of informant)
Age.29 years, Occu. Labour,'
R./o Hathrun, Tq. Selu,
Dist. Parbhani.
4. Pawan Prasad Lokhande,
(Brother in law of informant)
Age.24 years, Occu. Service,
R/o Rajeev Nagar Zopadpatli,
Near Police Station, Indira Nagar, Nashik,
Tq. & Dist. Nashik.

...APPLICANT
(Accused No. 2 to 5)

VERSUS

1. The State of Maharashtra,
Through Officer Incharge,
Police Station Sirsala,
Tq. Dharur, Dist. Beed.
2. Anjali D/o Ganesh Vavhale @,
Anjali Shrikant Lokhande,
Age.22 years, Occu. Homemaker,
R/o Koyal, Tq. Dharur, Dist. Beed.
Mob. No. 9309946625.

...RESPONDENTS
(Respondent No. 2 is Orig. Informant)

Mr. Jeevan Khade h/f Mr. S. J. Salunke, Advocate for Applicants
Mr. V. K. Kotech, APP for Respondents/State
Ms. Surekha Namdevrao Devmane, Advocate for Respondent No.2

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

DATED : 29th APRIL 2025

PER COURT :-

1. The present application has been filed for quashing the proceedings in R.C.C. No. 46 of 2023 pending on the file of the Learned J.M.F.C. Dharur, Dist. Beed and First Information Report in Crime No.28 of 2023 dated 21.02.2023 registered with Police Station Sirsala, Dist. Beed for the offences punishable under Sections 498-A, 323, 504, 506 read with 34 of the Indian Penal Code.

2. What is not in dispute is that the son of applicant nos.1 and 2 and respondent no.2/informant got married on 21.09.2020. Further it is not in dispute that applicant nos.1 2 and 4 are residing together.

3. Heard Mr. Khade, the learned counsel for the applicant and Ms. Devmane, learned counsel for respondent no.2. In order to cut short it can be stated that they both have argued supporting to their respective contentions.

4. Perusal of the FIR would show that after the marriage respondent no.2/informant went for cohabitation with the son of applicant nos.1 and 2. Respondent no.2/informant states that she was

treated properly for about 2-3 months after the marriage and thereafter the mental and physical harassment started on the ground that she is unable to cook food properly and she should bring amount of Rs.2,00,000/- for construction of house. The harassment was stated to be in the nature of assault by kicks and fists and keeping her starve. She states that she called her father and narrated the incident but when she was unable to cope up with the harassment she came to the parental home. She states that on 25.06.2021 all the accused persons i.e. including the husband also who is not before this Court had gone to her parental home and told that unless she brings amount of Rs.2,00,000/- for construction of house she will not be taken for rehabilitation. Her father expressed inability due to the poor financial condition and therefore accused persons abused and assaulted the informant and left. The informant then states that she along with her father and two other persons had gone to the matrimonial home for settlement and allowing her to co-habit but the accused persons told that they can take the girl for co-habitation only upon the intervention of Court. Ultimately, she has lodged the FIR on 21.02.2023.

5. Though it has been tried to be submitted on behalf of the applicant that the contents of the FIR do not show specific overt act we take that it is a matrimonial dispute and suffice it to say that she was kept starve and was driven out of the house it need not be by a

particular person. If the prosecution is able to prove that the informant has been kept away because of the acts of the accused persons then it may be a kind of cruelty. Now only as regards applicant no.2/married sister-in-law whose marriage appears to be performed prior to the marriage between the son of applicant nos.1 and 2 and respondent no.2, it is not stated by the informant as to why applicant no.3 was residing in her parental home for so many months. It appears that her involvement or name has been taken just to implicate all the family members. The point of delay alone cannot be the ground for quashment of the FIR or the proceedings and therefore the application stands rejected for applicant nos.1, 2 and 4.

6. Application stands allowed for applicant no.3.

ORDER

- (i) The application is rejected with respect to applicant No.1-Prasad Mariba Lokhande, applicant no.2-Shobha Prasad Lokhande and applicant no.4-Pawan Prasad Lokhande,
- (ii) The application is allowed with respect to applicant No.3-Rama Rahul Bhavale and accordingly FIR No.28 of 2023 dated 21.02.2023 registered with Police Station Sirsala, Dist. Beed for the offences punishable under Sections 498-A, 323, 504, 506 read with 34 of the Indian Penal Code and proceedings in R.C.C. No. 46 of 2023 pending on the file of

the Learned J.M.F.C. Dharur, Dist. Beed are quashed against
applicant no.3.

[SANJAY A. DESHMUKH]
JUDGE

[SMT. VIBHA KANKANWADI]
JUDGE

Narwade