



IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

CRIMINAL APPLICATION NO.4554 OF 2023

1. Shubhash Gawarlal Jagtap
Age – 32 Years, Occ – Service,
2. Mistaribai Gawarlal Jagtap
Age-65- Years, Occ- Household
3. Gawarlal Sajan Jagtap
Age- 70 Years, Occu – Retired

All R/o.- Plot No. 27 B,
Hari Om Nagar, Dhudhale Shivar,
Nandurbar, Tal. & Dist. Nandurbar
4. Rekhabei Gawarlal Jagtap@
Rekha Manoj Suryawanshi
Age-34 Years, Occu-Service,
R/o-At Bodakikhadi, Post- Kharadbari,
Ta. Sakri, Dist. Dhule
5. Chotibai Rajesh Kokani
Age-36 Years, Occu-Service,
R/o- Om Sai Niwas, Room No.A-06
Ranishigaon Road, Sant Nirankari Bhavan,
Bhoisar, Tal. & Dist. Palghar.
6. Babita Kamlesh Gangurde
Age-35 Years, Occu-Service,
R/o-Police Quarters Room No.65,
Near Teheshil Office, Boriwali West,
Mumbai

..APPLICANTS

-VERSUS-

1. The State of Maharashtra
(Copy to be served on Public Prosecutor,
High Court, Bench at Aurangabad.

2. Sau. Surekha W/o Shubhash Jagtap,
Age-25 years, Occu – Household,
C/o- Ananda Shankar Suryawanshi,
R/o-Wadpada, Pimpalgaon (Bu.),
Tq. Sakri, District-Dhule

..RESPONDENTS

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Advocate for the Applicants : Mr. A. D. Sonar

APP for Respondent State : Mr. G. A. Kulkarni

Advocate for Respondent No.2 : Mr. N. N. Desale h/f. Mr. A. V. Patil

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

DATED : 11th FEBRUARY 2025

O R D E R (PER SANJAY A. DESHMUKH, J.):

1. This is an application for quashment of the First Information Report (for short 'FIR') vide Crime No.0204 of 2023 dated 24.07.2023 registered with Pimpalner Police Station, Tq. Sakri Dist. Dhule for the offences punishable under Sections 498-A, 323, 504, 506 r/w. Section 34 of the Indian Penal Code.

2. It will be pertinent to mention here that as against applicant no.1, the present application stands disposed of as withdrawn, vide order dated 20.12.2023. We are, therefore, now considering the case of applicant nos.2 to 6 for quashment of FIR.

3. Learned Advocate Mr. Sonar appearing for the applicants pointed out the report in which it is averred that informant, i.e., daughter-in-law of applicant Nos.2 and 3 married with their son, namely, Shubhash on 16.12.2021. Initially, she was treated well for 8-9 months. Thereafter, applicants and her husband started to harass her. Applicant Nos.4 to 6 i.e. sisters-in-law of the informant, were interfering in their family affairs. After the 9 months of the marriage applicants and her husband demanded Rs.15 lakhs for purchasing shop at Kokani Hill. They were insisting the informant to demand her share in the property of her father. She felt that after some days the conduct of the family members will improve therefore she bore those harassment and continued cohabitation with her husband. Even thereafter, she was insisted to bring 15 lakh rupees for purchasing the said Shop. Once her husband, Shubhash came under the influence of liquor and threatened her that if she does not bring that amount he will give divorce to her. She tried to convince him that her father cannot raise such huge amount as he is poor. On 27.01.2023 she lodged the complaint to the Women Grievance Redressal Cell, Dhule, but nobody turned there. Therefore, after getting the letter from Women Grievance Redressal Cell, Dhule she lodged the report.

4. Learned Advocate for the applicants submitted that the

allegations against the applicants are vague in nature and no any specific incident is stated. Applicant Nos.4 to 6 are residing with their husbands. Applicant Nos.2 and 3 are old aged parents and they are falsely implicated in the crime. He submitted to allow the application and quash the report.

5. Learned A.P.P. Mr. Kulkarni appearing for the State and learned Advocate Mr. N. N. Desale h/f. A. V. Patil for respondent No.2 strongly oppose the application and submitted that names of the applicants are mentioned in the report. They have harassed the informant by demanding Rs.15 lakhs for purchasing shop. There is strong evidence against the applicants. It is lastly prayed to reject the application.

6. On perusal of report, it appears that the applicants' names are mentioned in the report. However, facts of the case shows that applicant Nos.4 to 6 are residing with their husbands. There is no any specific incident against the applicants to show that applicants harassed the informant by demanding Rs.15 lakhs. The essential ingredients of the Section 498-A constituting cruelty are not established from the report and other documents. In such circumstances, if the applicants are compelled to face trial, it would be certainly an abuse of process of

Court. We are therefore inclined to allow the application.

7. Hence the following order:-

ORDER

- (i) The application is partly allowed.
- (ii) The application with respect to applicant no.1. stands disposed of as withdrawn.
- (iii) FIR vide Crime No.0204 of 2023 dated 24.07.2023 registered with Pimpalner Police Station, Tq. Sakri Dist. Dhule for the offences punishable under Sections 498-A, 323, 504, 506 read with Section 34 of the Indian Penal Code is quashed against applicant nos.2 to 6.

[SANJAY A. DESHMUKH]
JUDGE

[SMT. VIBHA KANKANWADI]
JUDGE

A.G.Narwade