



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO.770 OF 2024

1. Rahul Gabaji Shingne
Age: 33 years, Occu.: Nil,
R/o. Sukhwan Society Nehru Nagar,
Pimpri Chinchwad,
Tq. And Dist. Pune.
2. Sindhubai Gabaji Shingne
Age: 56 years, Occu.: Household,
R/o. Sukhwan Socieity Nehru Nagar,
Pimpri Chinchwad, Tq. And Dist. Pune
3. Gabaji Uttam Shingane
Age: 63 years, Occu.: Retired,
R/o. Sukhwan Society Nehru Nagar,
Pimpri Chinchwad,
Tq. And Dist. Pune
4. Meena Gajanan Parhad
Age: 38 years, Occu.: Household,
R/o. Datta Nagr, Deolgaon Raja,
Tq. Deolgaon Raja, Dist. Buldhana.
5. Sachin Annarao Padghan
Age: 36 years, Occu.: Business,
R/o. Datta Nagar, Deolgaon Raja,
Tq. Deolgaon Raja, Dist. Buldhana

.. Applicants

Versus

1. The State of Maharashtra
Through the Police Inspector,
Ambad Police Station,
Tq. Ambad, District Jalna.
2. Pallavi Rahul Singne
Age: 26 years, Occu.: Household,
R/o. Changle Nagar, Tq. Ambad,
District Jalna.

.. Respondents

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Mr. P. P. More, Advocate for the applicants.
Mr. G. A. Kulkarni, APP for respondent No.1/State.

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

DATE : 12 JUNE 2025

ORDER (Per Smt. Vibha Kankanwadi, J.) :-

. Present application has been filed initially for quashing the FIR vide Crime No. 17 of 2024 dated 11.01.2024 registered with Ambad Police Station, District Jalna and later on, by way of amendment, for quashing the proceedings in Special Case No.06 of 2024 pending before the learned District and Additional Sessions Court, Ambad for the offences punishable under Sections 498-A, 323, 504, 506 read with Section 34 of Indian Penal Code, under Section 92 of the Rights of Persons with Disabilities Act.

2. Heard learned Advocate Mr. P. P. More for the applicants and learned APP Mr. G. A. Kulkarni for respondent No.1/State. In order to cut short, it can be said that both of them have made submissions in support of their respective contentions.

3. After the disinclination is shown to grant any relief in favour of applicant No.1, learned Advocate for the applicants, on instructions, seeks withdrawal of the application as against applicant No.1. Hence, the application stands disposed of as withdrawn as against applicant No.1.

4. Matter to proceed for the reliefs claimed on behalf of applicant Nos.2 to 5.

5. It is not in dispute that the marriage between applicant No.1 and respondent No.2 took place on 10.06.2021. Applicant Nos.2 and 3 are the parents of applicant No.1. Applicant No.4 is the sister of applicant No.1 and applicant No.5 is husband of cousin sister of applicant No.1. Applicant Nos.4 and 5 are residing at Datta Nagar, Deolgaon Raja, District Buldhana i.e. the different place from the matrimonial home. Respondent No.2 in her FIR states that she is handicapped and this fact was known to applicant No.1, still he performed marriage with her. She was treated properly for about 2 months and then she says that thereafter, accused Nos.1 to 3 started abusing her by saying that she is handicapped and is not able to do any work. It was causing mental and physical harassment to her. She states that applicant Nos.4 and 5 used to instigate applicant Nos.1 to 3 on phone to give mental and physical harassment to the informant. It is then stated that applicant Nos.1 to 3 started saying that the parents of the informant should make arrangement for service of the informant or to give amount of Rs.1,00,000/- to applicant No.1 for starting a business. As her father could not fulfill the demand, she was driven out of the house about a year prior to the FIR. The statements of witnesses are on the same line. Here, it is to be noted that when it was known to them that the informant

was handicapped, it is hard to believe that they would give taunts to the informant on the basis of her physical inability. Of course, in the entire charge-sheet, the disability certificate has not been procured or produced, nor it is stated by anybody as to what kind of physical problem the informant is facing. Whether she is totally debarred from doing a work would be a question. The allegations in respect of the taunts on the point of physical unfitness is vague. The other allegations are also vague. It is stated that the harassment is since two months after the marriage i.e. somewhere around August 2019 till she was allegedly driven out of the house in January 2023. She states that she informed about the treatment given by the applicants to her father and brother-in-law, who had then come to Pune i.e. the matrimonial home of the informant and tried to give advise to them. Neither the father, nor the brother of the informant has given approximate month or year when they had come to the matrimonial home of the informant and when the applicants had placed the demand that they should make arrangement for the service of the informant or give amount of Rs.1,00,000/- to applicant No.1 for starting a business. The allegations are vague. Of course, as the allegations are that the husband was assaulting her, we had shown the disinclination, but no such specific allegations are against applicant Nos.2 to 5. Hence, case is made out for exercise of powers under Section 482 of the Code of Criminal Procedure in favour of

applicant Nos.2 to 5. Hence, the following order :-

ORDER

I) Criminal Application stands disposed of as withdrawn as against applicant No.1 - **Rahul Gabaji Shingne**.

II) Criminal Application stands allowed in respect of applicant Nos.2 to 5.

III) The FIR vide Crime No. 17 of 2024 dated 11.01.2024 registered with Ambad Police Station, District Jalna as well as the proceedings in Special Case No.06 of 2024 pending before the learned District and Additional Sessions Court, Ambad for the offences punishable under Sections 498-A, 323, 504, 506 read with Section 34 of Indian Penal Code, under Section 92 of the Rights of Persons with Disabilities Act, stand quashed and set aside as against applicant No.2 - **Sindhubai Gabaji Shingne**, applicant No.3 - **Gabaji Uttam Shingane**, applicant No.4 - **Meena Gajanan Parhad** and applicant No.5 - **Sachin Annarao Padghan**

[**SANJAY A. DESHMUKH**]
JUDGE

[**SMT. VIBHA KANKANWADI**]
JUDGE

scm