



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

CRIMINAL APPLICATION NO.858 OF 2024

- 1) Vaibhavkumar S/o Parshuram Jagtap,
Age-33 years, Occu:Service,
(Husband of Respondent No.2,
- 2) Parshuram S/o Narayanrav Jagtap,
Age-62 years, Occu:Engineer,
(Father-in-law of Respondent No.2),
- 3) Ratnabai @ Ratnprabha W/o Parshuram Jagtap,
Age-57 years, Occu:Household,
(Mother-in-law of Respondent No.2,

Applicant Nos.1 to 3 all R/o- D-11,
Rangdarshan Society, Near Morarinagar,
Link Road, Bharuch – 392001,
State of Gujrat,

- 4) Snehal @ Sneha W/o Dhaval Bhamare,
Age-37 years, Occu:Engineer,
R/o-Swami Baug Society, Near Rajnee
Gandha, Bardoli, Surat (Gujrat),
(Sister-in-law of Respondent No.2),
- 5) Dhavalkumar @ Dhawal S/o Krushnkant
Bhamare, Age-39 years, Occu:Agriculture,
R/o-Swami Baug Society, Near Rajnee
Gandha, Bardoli, Surat (Gujrat),
(Husband of applicant No.4),
- 6) Minabai @ Minaxiben W/o Jagannath Pawar,
Age-55 years, Occu:Household,
R/o-Pachora, District-Jalgaon
(Cousin Aunt of Applicant Nos.1 and 4)

...APPLICANTS

VERSUS

- 1) The State of Maharashtra,
Through Police Inspector,
Police Station, Pachora,
District-Jalgaon,
- 2) Vaishanvi W/o Vaibhav Jagtap,
Age-26 years, Occu:Household,
R/o-C/o-Vishwnath Raghunath Pawar,
Renuka Colony, Poongaon Road,
Pachora, Tq-Pachora,
District-Jalgaon.

...RESPONDENTS

...
Mr. S.R. Andhale Advocate for Applicants.
Mr. G.A. Kulkarni, A.P.P. for Respondent No.1.
Mr. Rohit R. Patwardhan Advocate for Respondent No.2.

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

DATE : 20th JANUARY, 2025

ORDER [PER SMT. VIBHA KANKANWADI, J.] :

1. Present Application has been filed, initially for quashing the First Information Report (for short "the FIR") vide Crime No.473 of 2023 dated 5th December 2023, registered with Pachora Police Station, District-Jalgaon for the offence punishable under Sections 498-A, 323, 504, 506, 406 read with Section 34 of the Indian Penal Code, and by way of amendment, for quashing the proceedings in R.C.C. No.60 of 2024, pending

before the learned Judicial Magistrate First Class, Pachora, District-Jalgaon.

2. We would like to say that after hearing the learned Advocate for the applicants and respondent No.2 and when disinclination is shown to grant any relief to applicant No.1 – husband, learned Advocate for the applicants, upon instructions, seeks withdrawal of the Application as against applicant No.1. Accordingly, Application stands disposed of as withdrawn as against applicant No.1.

3. Matter proceeded for the reliefs claimed by applicant Nos. 2 to 6.

4. Heard learned Advocate Mr. Andhale for the applicants, learned APP Mr. Kulkarni for respondent No.1 and learned Advocate Mr. Patwardhan for respondent No.2. In order to cut short, it can be stated that the learned Advocates appearing for the respective parties have argued in support of their contentions.

5. Perusal of the FIR lodged by respondent No.2 would show

that the marriage between applicant No.1 and respondent No.2 took place on 8th December 2022, and she says that she has been driven out of the house on 20th July 2023 i.e. the marital life appears to be hardly 6 to 7 months. Further, it can be seen that applicant Nos.2 and 3, who are the father-in-law and mother-in-law, are the resident of Bharuch, State of Gujarat. Applicant Nos.4 and 5 are the resident of Bardoli, Surat in State of Gujarat. They are the married sister-in-law and her husband. Applicant No.6 is the cousin aunt of applicant No.1, who resides at Pachora, District-Jalgaon. In the FIR it is stated that applicant Nos.1 to 3 were residing together at Bharuch, Gujarat but her husband was insisting that she should bring amount of Rs.15,00,000/- for purchasing a house at Pune. She has not explained, as to why the husband wanted a house at Pune. It can be seen from the application under Section 125 of the Code of Criminal Procedure filed by respondent No.2 against applicant No.1, that applicant No.1 was serving at Pune and had taken a room on rent and he had taken the informant for cohabitation at Pune. It is then stated specifically that applicant No.1 was serving in H.C.L. Technology Limited, Pune and he is getting salary of around Rupees One Lakh Fifty Thousand per month. That means, there is total suppression of the facts in the FIR

that informant was residing with the husband at Pune. Similar averments are made by the informant in her Hindu Marriage Petition No.231 of 2023 before the learned Civil Judge, Senior Division, Jalgaon, which has been filed for restitution of conjugal rights. Therefore, it appears that she hardly resided with applicant Nos. 2 and 3 at Bharuch. Even the married sister and her husband as well as paternal aunt of the husband have been involved, by saying that whenever they used to come to the matrimonial home, they used to instigate applicant No.1. Therefore, when there is a false implication, then it would be a fit case where we should exercise our inherent powers under Section 482 of the Code of Criminal Procedure. Hence, we pass following order:-

ORDER

- (I) The Applications stands partly allowed.
- (II) The Application stands disposed of as withdrawn as against applicant No.1.

(III) The Application stands allowed as against applicant Nos.2 to 6.

(IV) The proceedings in R.C.C. No.60 of 2024, pending before the learned Judicial Magistrate First Class, Pachora, District-Jalgaon, arising out of the First Information Report vide Crime No.473 of 2023 dated 5th December 2023, registered with Pachora Police Station, District-Jalgaon for the offence punishable under Sections 498-A, 323, 504, 506, 406 read with Section 34 of the Indian Penal Code, stands quashed and set aside as against applicant Nos. 2 to 6 i.e. - 2) Parshuram S/o Narayanrav Jagtap, 3) Ratnabai @ Ratnprabha W/o Parshuram Jagtap, 4) Snehal @ Sneha W/o Dhaval Bhamare, 5) Dhavalkumar @ Dhawal S/o Krushnkant Bhamare and 6) Minabai @ Minaxiben W/o Jagannath Pawar.

[ROHIT W. JOSHI]
JUDGE

[SMT. VIBHA KANKANWADI]
JUDGE

asb/JAN25