



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

14 CRIMINAL APPLICATION NO.2615 OF 2024

RATNAKAR DIGAMBAR ANDHALE AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

...
Mr. H. P. Jadhav, Advocate for Applicants.
Mr. V. K. Kotecha, APP for Respondent No.1/State.
Mr. Manoj D. Shinde, Advocate for Respondent No.2.
...

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

DATE : 24 JUNE 2025

ORDER :

. Present application has been filed initially for quashing the FIR vide Crime No.96 of 2024 dated 15.03.2024 registered with Murud Police Station, District Latur and later on, by way of amendment, for quashing the proceedings in Regular Criminal Case No.771 of 2024 pending before the learned Judicial Magistrate First Class, Latur for the offences punishable under Sections 498-A, 323, 504, 506 read with Section 34 of Indian Penal Code.

2. Heard learned Advocate Mr. H. P. Jadhav for the applicants, learned APP Mr. V. K. Kotecha for respondent No.1/State and learned Advocate Mr. Manoj D. Shinde for respondent No.2.

3. With the help of the Advocates, we have gone through the entire charge-sheet including the FIR. The first and the foremost fact is that respondent No.2's husband Rajesh expired on 07.05.2021 due to Covid-19. Informant says that she was residing with the mother-in-law, brother-in-law, brother-in-law's wife and thereafter, she was harassed, as she had received amount of Rs.50,00,000/- from Government after her husband had expired due to Covid-19, as he was serving in Government Hospital at Akola. She states that she has transferred amount of Rs.15,00,000/- in the name of her mother-in-law, as they had insisted that if she wants to stay in the matrimonial home, then she will have to give that amount. She also states that she had given cash of Rs.25,00,000/-, still she was harassed by the mother-in-law, brother-in-law and brother-in-law's wife. Her mother-in-law expired on 21.03.2023 and thereafter, present applicant Nos.1 and 2 had harassed her physically and mentally and drove her out of the house. Thus, there are allegations against applicant Nos.1 and 2, who are the relatives of the husband.

4. It is to be noted that she has also stated that she was assaulted and abused by applicant Nos.3, 4 and 5, who are the relatives of applicant No.2 (brother-in-law's wife). Applicant Nos.3, 4 and 5 cannot be considered as the relatives of applicant No.2 as contemplated under Section 498-A of Indian Penal Code and the other Sections. Though we

take the alleged incident dated 28.12.2023 as it is, it is against them being non cognizable. It would be unjust to ask applicant Nos.3 to 5 to face the trial. Therefore, we take this to be a fit case where we can exercise our powers under Section 482 of the Code of Criminal Procedure in favour of applicant Nos.3 to 5. Hence, the following order :-

ORDER

- I) Criminal Application stands partly allowed.
- II) Criminal Application stands rejected as against applicant Nos.1 and 2 viz. (1) **Ratnakar s/o Digambar Andhale** and (2) **Pooja w/o Ratnakar Andhale**.
- III) Criminal Application stands allowed in respect of applicant Nos.3 to 5.
- IV) The FIR vide Crime No.96 of 2024 dated 15.03.2024 registered with Murud Police Station, District Latur as well as the proceedings in Regular Criminal Case No.771 of 2024 pending before the learned Judicial Magistrate First Class, Latur for the offences punishable under Sections 498-A, 323, 504, 506 read with Section 34 of Indian Penal Code, stand quashed and set aside as against present applicant Nos.3 to 5 viz. (3) **Arun S/o Vishnu Kate**, (4) **Akshay S/o. Vishnu Kate**, and (5) **Babita w/o. Vishnu Kate**.

[SANJAY A. DESHMUKH]
JUDGE

[SMT. VIBHA KANKANWADI]
JUDGE

scm