

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL APPLICATION NO. 178 OF 2024

1. Savita Mohan Bhand
2. Mohan Nivrutti Bhand
3. Nilesh @ Ajay Mohan Bhand
4. Chetna Suresh Bhand
5. Sanjay Gangaram Sakpal
6. Reshma Nana Ghanvat

.....Applicants

Versus

1. The State of Maharashtra
2. Akshata Yogesh Bhand.

.....Respondent

Ms. Kirti Ahuja (appeared through VC) a/w Kanika Ahuja,
Adv. Amrita Mishra and Khushbu Hurria -- Advocate for the
Applicants

Smt. M. M. Deshmukh - APP for the Respondent-State.

Mr. Rajaram V. Bansode – Advocate for Respondent No. 2.

**CORAM : SARANG V. KOTWAL &
S.M. MODAK, JJ.**

DATE : 04th FEBRUARY 2025

P.C. :

1. This is an application for quashing of the F.I.R.
registered vide C.R. No. 338 of 2023 registered at Natepute

Police Station, District Solapur on 19.10.2023 under Sections 506, 504, 498-A, 354 read with 34 of the Indian Penal Code.

2. The investigation is over and Section 323 of the Indian Penal Code is also added. The prayer is also for quashing of the charge-sheet.

3. Heard learned Counsel for the Applicants, learned Counsel for the Respondent No. 2 and learned APP for the Respondent No. 1-State.

4. The F.I.R. is lodged by Respondent No. 2. She has stated that she got married on 15.07.2022 with one Yogesh. The Applicant Nos. 1 and 2 are his parents. The Applicant No. 3 is his brother. The Applicant No. 4 is his cousin. The Applicant No. 5 was a neighbour and Applicant No. 6 was an alleged friend of Yogesh.

5. The F.I.R. mentions that after marriage she started residing with her husband and the Petitioner Nos. 1, 2 and 3. The informant came across some photographs

involving Yogesh and his female friends; when she questioned, Yogesh had slapped her. There is one allegation against the Applicant No. 6 that on one occasion during Ganpati festival, she had visited informant's matrimonial house and had touched her inappropriately which attracted provision of Section 354 of the Indian Penal Code.

6. The F.I.R. thereafter mentions about demand made by Yogesh for Rs. 50 Lakhs for repaying the loan for purchasing a flat. There are specific allegations against Yogesh. As far as Applicant No. 1-the Mother-in-law is concerned, there is a general allegation that she used to taunt her in respect of the informant's cooking skills. The specific allegation of demand of money is only against Yogesh. There is one more allegation against the Applicant No. 1 is that she had forcibly removed the ornaments. On 17.02.2023 the Applicant Nos. 1 and 2 had gone out, Yogesh was talking with his friend, when the informant questioned him, he beat her. Therefore, she left the house

at around 10.00 p.m. She went to a nearby lake and sat there. After she cooled down, she came back to her house. When the Applicant Nos. 1 and 2 came back, Yogesh told them about the informant. It is alleged that Applicant No. 2-father-in-law slapped her and Applicant No. 1 assaulted her.

7. There is one allegation against the Applicant No. 5-Sanjay that on one occasion when there was quarrel going on between Yogesh and informant, he intervened and held her hand. On one occasion the father-in-law refused to give her money for household expenses. On these allegations, the F.I.R. is lodged.

8. At the outset the learned Counsel for the Applicants submitted that she was not pressing this application for Applicant Nos. 1 and 2 i.e. the father-in-law and the mother-in-law. She seeks liberty to withdraw this application as far as they are concerned. She seeks liberty to prefer discharge application on their behalf. Therefore,

we are considering this application only for the Applicant Nos. 3, 4, 5 and 6.

9. Learned Counsel submitted that there are absolutely no allegations against the Applicant No. 3. Similarly, there is no allegation against the Applicant No. 4 except a vague allegation that on one occasion she had abused the informant and had pushed her. As far as the Applicant No. 5– Sanjay is concerned, there are vague allegations against him. No specific date or time is mentioned.

10. Learned Counsel relied on photographs annexed at page nos. 67 and 68 at 'Exh. E', wherein the informant is seen putting mehendi on the Applicant No. 5's hands and taking part in his wedding celebration in March 2023. That was after alleged incident of 17.02.2023, when she had left the house of her in-laws leading to a quarrel. During this time, the Applicant No. 5 had allegedly held her hand.

11. Respondent No. 2 has not filed any reply denying the submissions in respect of wedding ceremony

of the Applicant No. 5 – Sanjay and explaining those photographs. The allegations against the Applicant No. 6 do not mention the important details of the date, witnesses etc..

12. Learned Counsel for the Respondent No. 2 submitted that the F.I.R. cannot be an encyclopedia and all these allegations can be proved during the trial. He submitted that there are specific allegations against Applicant No. 4.

13. We have considered these submissions and we have perused the charge-sheet.

14. The charge-sheet contains the statements of the parents of the informant and her brother, uncle and aunt. There is one statement of Anish Nair, who was the Chairman of the Housing Society. The relatives of the informant have stated on the similar lines as described by the informant. As far as the Chairman-Anish Nair is concerned, he only referred to one quarrel between

informant and her husband. There is no reference to other Applicants.

15. Thus, we find force in the submissions of learned Counsel for the Applicants that there is a case of over implication as far as Applicant no. 3,4, 5 and 6 are concerned, just to harass the husband and his family. As mentioned earlier, she has not pressed the Application for the Applicant Nos. 1 and 2.

16. Arguable points are raised as far as Applicant Nos. 3 to 6 are concerned. Therefore, following order is passed :-

ORDER

- (i) Application in respect of Applicant Nos. 1 and 2 is dismissed as withdrawn.
- (ii) Applicant Nos. 1 and 2 are at liberty to prefer discharge application before the trial Court and if such an application is preferred, it shall be

decided on its own merits in accordance with law.

(iii) The present application is admitted only in respect of the Applicant No. 3, 4, 5 and 6.

(iv) The trial Court shall not take steps against these Applicants i.e. Applicant No. 3, 4, 5 and 6 during pendency of this application.

(S.M. MODAK, J.)

(SARANG V. KOTWAL, J.)