

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 3361 OF 2015

ATHAR KHAN WAHEED KHAN AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA &

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Advocate for Applicants : Mr. Shamim Shaikh h/f Mr. Kazi S. S.
APP for Respondent No.1: Mr. A.G. Magre
Advocate for respondent No.2: Mr. Y.B. Bolkar

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**CORAM : S. V. GANGAPURWALA AND
V. K. JADHAV, JJ.**

DATED : 26th NOVEMBER, 2015

P.C. :-

1. Heard Mr. Bolkar, the learned counsel for the respondent-complainant. He submits that earlier the respondent No.2 had filed complaint detailing the ill-treatment caused to her. The applicants entered into compromise with present respondent No.2. The said complaint in view of the compromise was quashed and set aside. As per the said compromise, respondent No.2 went to live with the husband. She was treated well by her in-law for 9 days. Thereafter, she was again subjected to ill-treatment. Respondent No.2 approached this court stating that the applicants are not abiding the terms of compromise. However, this court in view of Section 362 of Cr.P.C. observed that the said application cannot be entertained and it was rejected. Learned counsel submits that this court made it clear that if any subsequent events occur after disposal of criminal application No.

6759 of 2013, there is no impediment to the parties or to the authorities to take appropriate steps in accordance with law. The learned counsel submits that after disposal of said criminal application, the respondent went to reside with the present applicants. The respondent No.2 was treated well by in-laws for 9 days and thereafter, all the in-laws, referred to in the complaint, started to give ill-treatment to the respondent. As such the complaint is filed and the same is perfectly tenable. It is only with a view to wriggle out of the complaint, the applicants had entered into compromise with respondent No.2. The said ill-treatment continued thereafter also.

2. We have heard the learned A.P.P. also.

3. The allegations which were made in the earlier complaint cannot be considered in view of the order passed by this court thereby quashing the complaint and also in view of the subsequent order passed in criminal application No. 6394 of 2014 dated 2.12.2014.

4. Certainly, if there are subsequent events bringing the case within the four corners of Section 498-A of Cr. P.C. the same certainly can be considered. Perusal of the complaint, it is manifest that all members of in laws are involved in the complaint. Apart from the husband, father-in-law, mother-in-law, sisters-in-law and brother in law and the husband of the sister-in-law have been implicated. No specific allegations or

averments are against them except the fact that after 9 days these persons were given ill-treatment and abused respondent No.2 mentally and physically and since then she is residing with her parents. There are no specific allegations. The complaint is too vague. There is no allegation of demand of dowry. The Apex Court in the case of ***Geeta Mehrotra and another vs. State of Uttar Pradesh and another, reported in (2012) 10 SCC 741*** has observed about tendency to rope in all the members of in- laws.

5. Considering the above, the F.I.R. being crime No. 59 of 2015 dated 25.3.2015 registered at new Mondha Police station, Parbhani for the offences punishable under Sections 498-A, 323, 504, 506 r.w. 34 of I.P.C. is quashed and set aside.

6. Needless to state that this order would not be an impediment for respondent No.2 to take such other proceedings as is permissible in law. No costs.

(V. K. JADHAV, J.)

(S. V. GANGAPURWALA, J.)

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