

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 4100 OF 2014

1. Pramod Uttam Shinde,
Age 23 years, Occupation: Education
R/o Shindewadi Tq. Madha, District: Solapur
Presently residing at Murum Tq. Omerga
District Osmanabad
2. Sonam Suhas Gadekar
Age 25 years, Occupation: Household
Ward No.3, Dewalgaonraja
Taluka Dewalgaonraja Dist. Buldhana
3. Raosaheb Bhagwat Shinde
Age 52 years, Occupation: Service
R/o Government Quarter No.60/2
Solapur, Taluka & District: Solapur
4. Ujwala Raosaheb Shinde
Age 47 years, Occupation: Household
R/o Government Quarter No.60/2
Solapur, Taluka & District: Solapur
5. Prerna Raosaheb Shinde
Age 21 years, Occupation: Education
R/o Government Quarter No.60/2
Solapur, Taluka & District: Solapur
6. Keshar Shrimant Shinde
Age 47 years, Occupation: Household
R/o Shindewadi, Taluka Madha
District: Solapur
7. Shrimant Bhagwan Shinde
Age 54 years, Occupation: Agriculture
R/o Shindewadi, Taluka Madha
District Solapur

... **APPLICANTS**

VERSUS

1) The State of Maharashtra
Through the Police Inspector
Police Station, Paranda
District: Osmanabad.

2) Priyanka w/o Vinod Shinde
Age 21 years, Occupation: Household
R/o Ganegaon, Taluka: Bhoom
District: Osmanabad

... **RESPONDENTS**

Mr. Abhijit S. More, Advocate for applicants
Mr. K. S. Patil, APP for Respondent No.1-State
Mr. S. G. Jadhavar, Advocate for respondent No.2

**CORAM : T. V. NALAWADE &
INDIRA K. JAIN, JJ.**

DATE : 30th April, 2015

JUDGMENT (Per Indira K. Jain, J.)

Rule. Rule is made returnable forthwith by consent of the parties.

Criminal application is heard finally.

2. This application under Section 482 of the Code of Criminal Procedure is filed for quashing FIR in Crime No. M-67/2014 registered with Paranda Police Station for the offences punishable under sections 498-A, 323, 504, 506 read with 34 of the Indian Penal Code and charge-sheet filed pursuant to the said FIR.

3. It is the case of applicants that vague allegations are made against them in FIR. They are residing separately and unnecessarily roped in a false case, being relatives of husband of complainant. Copy of charge sheet and police papers are placed on record.

4. According to Complainant-Respondent No.2 Priyanka she was married to Vinod Uttam Shinde on 09.12.2012 as per Hindu customary rites. Her father had given Rs.2 lacs in cash, five tolas gold and household articles in marriage. It is alleged that Vinod used to suspect her character. She was illtreated on demand of Rs. 5 lacs. Once Vinod gagged her mouth and tried to commit her murder. As financial condition of father of complainant was not sound, she tolerated the illtreatment.

5. On 23.02.2014 again demand of Rs. 5 lacs was made and she was dragged out of the house as demand was not fulfilled. That time, complainant was pregnant. She was beaten on demand of money.

6. On 09.05.2014, false allegations were levelled by husband and his relatives raising suspicion on the character of complainant. That time she was abused and beaten with kicks and fists. Being tired of illtreatment, she filed private complaint in Paranda Court. The learned Judicial Magistrate First Class passed order under section 156 (3) of the Code of Criminal Procedure. On enquiry, above crime came to be registered and final report was submitted to the court.

7. During the course of arguments, learned counsel for applicants submitted that applicants never resided with complainant. They are residing separately. They have no concern with the family affairs of complainant and her husband. Mere casual reference to their names in FIR is not sufficient to take cognizance. It is submitted that on the basis of

vague allegations, proceedings cannot be allowed to be continued against the applicants as it would amount to abuse of process of law. In support thereof, learned counsel for applicant placed reliance on (i) **Geeta Mehrotra and another Vs. State of U.P. And another**¹ and (ii) **Shaikh Shakeel s/o Shaikh Hasan and others Vs. The District Superintendent of Police, Jalna & Ors.**² We have gone through these authorities. They reiterate settled principles of law relating to quashing of criminal proceedings under section 482 of the Code of Criminal Procedure.

8. Coming to the facts of the present case, when contents of FIR are perused, it is apparent that no specific role is attributed to the applicants. There is casual reference to their names in FIR. Applicant No.1 Pramod is brother of husband of complainant. He resides at Murum and taking education there. Applicant No.2 Sonam is sister-in-law of complainant. She produced proof of residence. It shows that she is residing at Dewalgaonraja. Applicant No.3 Raosaheb is brother of father-in-law of complainant. He submitted number of documents like identity card, ration card, gas consumer card. These documents clearly indicate that he resides at different place and not at the address of Vinod. Applicant No.4 Ujwala is wife of applicant No.3. She stays with her husband at Solapur. Applicant No. 5 is daughter of applicant Nos. 3 and 4. She is taking education at Solapur. Applicant Nos. 6 and 7 also reside separately. They never stayed with complainant and her husband.

1 AIR 2013 SUPREME COURT 181

2 2013 ALL MR (Cri) 3422

9. In these circumstances, mere casual reference of names of applicants in FIR without any allegation of active involvement in the matrimonial dispute would not justify taking cognizance against them. This Court cannot over look the fact that there is a tendency to involve entire family members in domestic quarrel. In such circumstance, allowing the proceedings to continue against applicants would amount to abuse of process of law.

10. In the result, Criminal Application No.4100 of 2014 is allowed.

11. FIR in Crime No. M-67/2014 registered with Paranda Police Station for the offences punishable under sections 498-A, 323, 504, 506 read with 34 of the Indian Penal Code and charge-sheet filed pursuant to the said FIR are hereby quashed and set aside

12. Rule is made absolute in the aforesaid terms.

[INDIRA K. JAIN, J.]

[T. V. NALAWADE, J.]

JPC