

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

CRIMINAL APPLICATION NO. 4098 OF 2015

Chandrakant S/o Jagannath Dhakad
and others

.. Applicants

Versus

The State of Maharashtra and another .. Respondents

Shri V. P. Raje, Advocate h/f Shri C. R. Deshpande, Advocate for Applicants.

Shri A. G. Magare, A.P.P. for the Respondent No. 1.

Mrs. Chaitali Choudhari (Kutti), Advocate for the Respondent No. 2.

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

DATE : 14TH DECEMBER, 2015.

PER COURT :

1. Heard the learned counsel for the applicant. It is submitted that, the complaint filed U/Sec. 498-A, 323, 504 and 506 r/w Sec. 34 of the Indian Penal Code is false and frivolous. No specific averments or allegations are made against accused Nos. 3 to 7. According to the learned counsel on the basis of such vague allegations in the complaint, the same cannot proceed.

2. The learned Assistant Public Prosecutor submits that, two to three statements are recorded. They have supported the

complaint.

3. Mrs. Kutti, the learned counsel for the respondent No. 2 submits that, in the complaint it is stated all the sister in laws are residing together with the husband and the parents in-law and all of them use to mentally and physically harass the complainant. The said complaint is supported by the statements of father of the complainant, so also brother of the complainant. The learned counsel submits that, complaint as it is, is required to be considered. Said complaint discloses the offences alleged against the accused persons.

4. We have considered the statements. As far as present application to the extent of applicant Nos. 1 and 2 is concerned, the same already stands dismissed as withdrawn vide order dated 07.08.2015. As such, the present application is required to be considered only to the extent of applicant Nos. 3 to 7.

5. We have perused the complaint. There cannot be any dispute with the proposition that the complaint as it is, is required to be considered while considering the application for quashing of complaint. It also needs to be considered that, applicant Nos. 3 and 5 to 7 are all residing at different places than the husband, mother-in-law of the respondent No. 2. It is submitted that, the applicant No. 4 Bharati @ Pratibha is a

divorcée and resides along with the husband of the respondent No. 2.

6. The Apex Court in a case of ***Geeta Mahrotra and another Vs. State of U. P. and another*** reported in **2012 AIR SCW 5692** has observed about tendency to involve all the family members and thereby damaging the case against real accused persons.

7. The averments as against applicant Nos. 3, 5 to 7 are too vague for a complaint to proceed against them. There are no specific allegations against these applicants, who are residing separately and at different places. Though the applicant No. 5 is shown residing along with the applicant No. 1, however, there are no allegations as against the applicant No. 5.

8. In the light of the above, the complaint/F.I.R. bearing Cr. No. 202/2014 registered at Shirpur Police Station, Dist. Dhule for the offences punishable U/Sec. 498-A, 323, 504 and 506 r/w Sec. 34 of the Indian Penal Code and Sec. 3 and 4 of the Dowry Prohibition Act to the extent of applicant Nos. 3/Hemlata W/o Nilesh Dhamane, applicant No. 5/Pravin S/o Jaganath Dhakad, applicant No. 6/Pramod S/o Gajanan Dhakad and applicant No. 7/Rohini Jagannath Dhakad @ Sau. Rohini W/o Somnath Pate is quashed and set aside. The order is restricted only in respect of

these applicants. The criminal application is accordingly disposed of. No costs.

[V. K. JADHAV, J.]

[S. V. GANGAPURWALA, J.]

bsb/Dec. 15