

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

CRIMINAL WRIT PETITION NO. 686 OF 2017

1. Jibhau s/o Ravan Sonawane
Age: 58 years, Occ: Service,
R/o Aarey Colony, Goregaon,
Mumbai.
2. Urmila w/o Jibhau Sonawane
Age: 51 years, Occ: Household,
R/o Aarey Colony, Goregaon,
Mumbai.
3. Dr. Subhash s/o Sonyabapu Pawar
Age: 34 years, Occ: Medical Practitioner,
R/o Flat No.6, Atre Niwas,
In front of Kamgar Nagar,
Nashik.
4. Dr. Bharti w/o Subhash Pawar
Age: 30 years, Occ: Medical Practitioner,
R/o Flat No.6, Atre Niwas,
In front of Kamgar Nagar,
Nashik.
5. Govind s/o Ravan Sonawane
Age: 65 years, Occ: Pensioner,
R/o Flat No.5, Shri Balaji Darshan Apartment,
Wing B, Shourya Park, Adgaon
Taluka and District Nashik.
6. Shakintala w/o Govind Sonawane
Age: 56 years, Occ: Household,
R/o Flat No.5, Shri Balaji Darshan Apartment,
Wing B, Shourya Park, Adgaon
Taluka and District Nashik.

7. Pandurang s/o Ravan Sonawane
Age: 48 years, Occ: Service,
R/o Vise Mala, College Road,
Nashik, District Nashik.
8. Varsha w/o Pandurang Sonawane
Age: 39 years, Occ: Household,
R/o Vise Mala, College Road,
Nashik, District Nashik.
9. Somnath s/o Ravan Sonawane
Age: 66 years, Occ: Pensioner,
R/o Nampur, Taluka Baglan,
District Nashik.
10. Sushila w/o Somnath Sonawane
Age: 63 years, Occ: Household,
R/o Nampur, Taluka Baglan,
District Nashik.

... **Petitioners**

Versus

1. The State of Maharashtra
Through Police Station Officer,
Deopur Police Station, Dhule
Dhule.
2. Sau. Vrushali w/o Deviprasad Sonawane
Age : 30 years, Occ: Household,
R/o c/o Chudaman Daga Pawar,
Trimurti Nagar, Gondur Road,
Deopur, Dhule.

... **Respondents**

Mr. N.B. Suryawanshi, Advocate for the Petitioners.
Mr. A.R. Kale, A.P.P. for the Respondent/State.
Mr. N.L. Chaudhari, Advocate for Respondent no.2.

**CORAM : S.S. SHINDE &
MANGESH S. PATIL, JJ.**

**DATE OF RESERVING THE JUDGMENT : 11.10.2017
DATE OF PRONOUNCING THE JUDGMENT : 31.10.2017**

...

JUDGMENT: (*Per Mangesh S. Patil, J.*)

. Rule. Rule is made returnable forthwith. With the consent of both the sides the matter is heard finally.

2. In this petition under Article 226 and 227 of the Constitution of India read with Section 482 of Cr.P.C., the petitioners are seeking quashment of F.I.R., charge-sheet filed in consequence thereof and the further proceedings registered on that basis bearing Regular Criminal Case no. 405 of 2016 pending in the court of Judicial Magistrate First Class, Dhule.

3. As usual, out of matrimonial dispute arising between the respondent no.2 and her husband, the impugned F.I.R. has been lodged with the allegations *inter alia* to the effect that the husband and parents in law, as well as the cousin brothers of father in law and their wives (petitioner nos. 5 to 10), as also the sister in law (petitioner no.3) and the husband (petitioner no.4) have been roped in by alleging that they all collectively raised a demand of Rupees Thirty Lakhs from her for buying

a car and on that count all started beating and abusing her and threatened her of dire consequences. It is on the basis of such complaint that the offence was registered at Deopur Police Station, District Dhule under Section 498-A, 323, 504, 506 read with Section 34 of the Indian Penal Code, resulting in filing of the charge-sheet.

4. The learned Advocate for the petitioners vehemently submitted that *ex facie* the allegations in the F.I.R. are vague and omnibus qua all the petitioners. Applying the principle laid down in the case of **Taramani Parakh V/s. State of M.P. and Ors. 2015 AIR (SC) 794**, the criminal proceeding initiated against them is nothing but an abuse of process of law resorted to by the respondent no.2.

5. The learned A.P.P. and the learned Advocate for respondent no.2 opposed the petition.

6. We have carefully considered the rival submissions and the documents. Though cryptic, the F.I.R. does contain specific allegations by naming all the petitioners. In fact in addition to the petitioners, the F.I.R. also contains an allegation against one more cousin parent in law Gangadhar and his wife Sindhu. However, after the witnesses Satish Talele, his wife Saroj Talele and one Vaishali Sonawane and her husband

Pankaj Sonawane, who are all residing in front of the house of the respondent no.2 and her husband, specifically stated that Gangadhar and Sindhu had never been to the house of the couple, that apparently the prosecution against Gangadhar and Sindhu has been dropped. However, simultaneously these four witnesses have stated that the rest of the accused i.e. the petitioners though residing elsewhere in the same town have been visiting the house of the couple and they have seen them quarreling with the respondent no.2. Similarly, it has been specifically alleged that the petitioner nos. 3 and 4 have been coming to the house of the couple and the petitioner no.4 was in fact staying with them for couple of months during her delivery. True it is that the petitioner nos. 1 and 2 who are the parents in law of the respondent no.2 have been apparently staying in Mumbai, whereas, the couple is staying at Nashik. However, simply on the basis of this fact, one cannot jump to the conclusion that the petitioner nos. 1 and 2 could have never visited the house of the couple. Rather being the parents in law they must have been visiting the house of the couple particularly when even the petitioner no.4 being the daughter of the family was staying with the couple for couple of months for her delivery.

7. Under these circumstances, even though the petitioner nos. 5

to 10 apparently are distant relatives, they are indeed relatives of the rest of the petitioners staying either in the same town or at nearby places. Therefore, at this juncture we are not inclined to quash and abruptly terminate the trial by quashing the F.I.R. and the criminal proceedings.

8. The writ petition is liable to be dismissed and is accordingly dismissed. Rule is discharged.

[MANGESH S. PATIL, J.]

[S.S. SHINDE, J.]