

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

CRIMINAL APPLICATION NO. 471 OF 2018

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| <p>1. Prashant s/o Namdeo Wagh
Age 40 years, Occu: Business,
R/o 57, Khemaji Ajabe Nagar,
Near Jain Temple, Sakri Road,
Dhule, District Dhule</p> <p>2. Indubai w/o Namdeo Wagh
Age 68 years, Occu: Household
R/o 118, At Post Morane,
Laling, Dhule.</p> <p>3. Sunita Ravindra Shirsath
Age 45 years, Occu: Household
R/o At Post Morane Laling,
Dhule.</p> <p>4. Varsha w/o Sachin Magare,
Age 36 years, Occu: Household
R/o 215/8842, Kanamwar Nagar,
Vikroli (East), BB-8, Mumbai.</p> <p>5. Nandisha Namdeo Wagh,
age 35 years, Occu: Household
R/o 118, At Post Morane Laling,
Dhule, District Dhule</p> <p>6. Manisha Rutesh Sonawane
Age 38 years, Occu: Household
R/o 215/8442, Kanamwar nagar,
Vikroli (East), BB-9, Mumbai.</p> <p>7. Anita Sanjay Mohite
Age 42 years, Occu: Household
R/o Flat No.4, Sampada Apt.,
Sakri Road, behind Maleriya
Office, Saptsrunji Colon,
Dhule, Dist. Dhule</p> <p>8. Ravindra Suka Shirsath
Age 48 years, Occu: Nil
R/o At Post Morane, Laling,
Dhule, Dist. Dhule</p> | <p>... Applicants
(Orig.Accused)</p> |
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9. Sanja Digambar Mohite
Age 47 years, Occu: Business
R/o Flat No. 4, Sampada
Apartment, Sakri Road, Behind
Maleriya Office, Saptsrungi
colony, Dhule, Dist.Dhule.
10. Kalabai w/o w/o Sukha Shirsath
Age 67 years, Occu: Household
R/o Plot no.137, Karuna Vihar
Housing Society, Ajabe Nagar
Near Jain Mandir, Sakri Road,
Dhule.

VERSUS

1. The State of Maharashtra
Through Police SInspector,
Ramanand Nagar Police Station,
Jalgaon, Dist. Jalgaon.
District Jalna
2. Deepmala Prashant wagh **... Respondents**
Age 35 years, Occu: Household
R/o Adarsha Nagar, Plot No.
29/2, Jalgaon Dist. Jalgaon.

Mr.Maheshkumar S. Sonawane, Advocate for the applicants
Mr.S. J. Salgare, APP for the respondent State.
Mr.Vijay V. Deshmukh, Advocate for respondent No.2

CORAM : T. V. NALAWADE AND
K. L. WADANE, JJ.

DATE: : 22nd June, 2018

JUDGMENT (Per K. L. Wadane, J.):

1. Rule. Rule made returnable forthwith. With the consent of the parties, the application is taken up for final hearing.
2. The application is filed under section 482 of

the Criminal Procedure Code for quashing the F.I.R. bearing Crime No. 174 of 2017 registered with the Ramanand Nagar Police Station, Jalgaon for the offence punishable under sections 498-A, j323, 504, 506 read with 34 of the Indian Penal code.

3. Applicant No.1 is husband of the complainant. Applicant no. 2 is mother of applicant No.1, Applicant Nos. 3 to 7 are sisters of applicant No.1, Applicant No. 8 is husband of Applicant No.3 and Applicant No.9 is the husband of Applicant No.7 whereas the applicant No.10 is the mother of applicant No.8 and mother-in-law of applicant No.3- sister.

4. It is the case of the complainant- Deepmala that she got married with applicant No.1- Prashant Wagh in the year 2004. According to the complainant she was treated well initially for and thereafter her mother in-law, husband and in-laws started her taunting abusing on her cooking. It is alleged that that her husband Prashant and mother-in-law were demanding Rs. 15 lakhs from the father of the complainant and as the demand was not fulfilled, she was mentally and physically harassed at the hands of her husband and mother-in-law and other applicants. It is alleged that

in the year 2008 complainant was asked to bring Rs.2 lakhs from her parents for construction of additional floor of house and on that count was driven her out of the house. At that time she was pregnant of four months. Thereafter there was compromise and she resumed company of her husband and in-laws. Alleging such ill-treatment and harassment at the hands of the applicants, respondent No.2 lodged complaint with the police and accordingly the offence as referred above came to be registered against the applicants accused.

5. During investigation, the Investigating Officer has recorded statements of various witnesses i.e. father, mother, brothers of the complainant and other witnesses. Statement of all these witnesses are in line with the contents of the first information report. Almost all the allegations which are appearing in the first information report are reproduced in the statements of the witnesses.

6. Heard Mr. Maheshkumar S. Sonawane, learned counsel for the applicants, Mr. S. J. Salgare, learned APP for the respondent State and Mr. Vijay V. Deshmukh, learned counsel for respondent No.2

7. We have carefully examined the First information report. It appears that that specific allegations of demand of money and consequent harassment are made against the applicant Nos. 1 husband and applicant No.2 Mother-in-law. The other respondents are relatives of the husband of the complainant i.e. sisters and their respective husbands. Applicant Nos. 3, 4, 6 and 7 are married sisters of applicant No.1 and they are residing separately at their respective matrimonial house. Applicant No. 8 is husband of Applicant No.3 and Applicant No.9 is the husband of Applicant No.7, whereas the applicant No.10 is the mother of applicant No.8 and mother-in-law of applicant No.3. They all are residing separately. There was no occasion for these respondents to harass or torture on the grounds as stated in the first information report. All the family members of the applicant no.1 husband appears to have been roped in the offence. One can understand about the allegations against husband and mother-in-law. But herein the present case, vague allegations are made against applicant Nos.3 to 9 who are sister-in-laws and their husbands and applicant No.10 who is mother-in-law of sister of applicant No.1. There is no specific evidence on record

to show that applicant Nos.3 to 10 have ill-treated the complainant in any manner.

8. On perusal of the statements of witnesses, it appears that what is stated in the first information report by the complainant against the applicants have been repeated. Main allegations of demand of money and harassment are against respondent No.1 and 2. There is no material particular quoting any specific incident of visit or about ill-treatment or harassment against applicant Nos. 3 to 10 so as to attract ingredients of section 498-A of the Indian Penal Code. Allegations against applicant Nos. 3 to 10 are vague general in nature. No specific act or overt-act is attributed to them.

9. In view of the above, nothing can be achieved if the criminal proceedings are allowed to be continued against applicant Nos. 3 to 10. Thus, to prevent the abuse of process of law, we find that discretion needs to be exercised to the extent of applicant Nos. 3 to 10. Hence following order:

O R D E R

- i. Application of applicant No. 3 Sunita Shirsath, 4) Varsha Magare, 5) Nandisha Wagh, 6) Manisha

Sonawane, 7) Anita Mohite, 8) Ravindra Shirsath, 9) Sanjay Mohite and 10) Kalabai Shirsath is hereby allowed in terms of prayer clause (B).

ii. Application of Applicant No.1 Prashant Wagh and Applicant No.2 Indubai Wagh stands rejected. Interim relief granted to them is vacated.

iii. Rule is made partly absolute in the above terms.

(K. L. WADANE, J.)

(T. V. NALWADE, J.)

JPC