

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

CRIMINAL APPLICATION NO.475 OF 2018

1. Savita w/o. Pintu Salunke,
(Sister in law),
Age : Major, Occu : Housewife,
R/o. Rani Park, Dindoli, Surat,
Tal. And District Surat.
 2. Pintu s/o. Jagannath Salunke
(brother in law)
Age : Major, Occu:Service –Police
Department, R/o. Rani Park,
Dindoli, Surat, Tal. And
District Surat.
 3. Gangabai Jagannath Salunke
Age 65, Occu : House wife,
R/o. Sherul, Tal. Malegaon,
Dist. Nashik.
 4. Chhaya Devidas Rane,
Age : Major, Occu : House wife,
R/o Mahavir Colony, Shirpur,
Tal. & District - Dhule.
 5. Sudam s/o. Janku Chavan,
(Distance Relative)
Age : Major, Occu : Retired Policeman
Agriculturist, R/o. Police Line,
Nandurbar, Tal and Dist. Nandurbar.
 6. Shobabai Bahusaheb Mali,
(Distance Relative)
Age : Major, Occu : Housewife,
R/o. Aghar, Tq. Malegaon, Tal & Dist.
Nashik.
 7. Kamalabai Bhagwan Salunke,
(Mother in Law) Age – 63 years,
Occupation – Housewife,
R/o. Deopur Dhule,
Tal and Dist. Dhule
- ... Applicants**

VERSUS

1. The State of Maharashtra,
through the Police Inspector,
Deopur Police Station, Dhule,
Tq. & Dist. Dhule.
(Copy to be served to the Government
Pleader, High Court of Judicature at
Bombay, Bench at Aurangabad.)
2. Anita w/o. Santosh Salunke,
(Complainant)
Age – 24 years, Occu : Housewife,
R/o. Shriraj Nagar, behind
Kalyani Banglow, Deopur Dhule.
Presently residing at Ner,
Tal & Dist. Dhule

...**Respondents**

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Advocate for Applicants : Mr. Ashok D. Raut
 APP for respondent/State : Mr. M. M. Nerlikar
 Advocate for Respondent No. 2 : Mrs. Monica Dahat h/f.
 V. P. Raje

**CORAM : T.V. NALAWADE &
K. L. WADANE, JJ.**

DATE : 20th 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 respondent No. 2 - Anita w/o Santosh Salunke, lodged a complaint to the Police Station,

Deopur, against the present applicants and her husband with the allegation that they were ill-treating her on account of illegal demand. On the basis of first information report given by the respondent No. 2, offence punishable under Sections 498-A, 406, 323, 504, 506, read with Section 34 of the Indian Penal Code, is registered against the applicants and the husband of the complainant. Going through the contents of the first information report, it appears that the complainant alleged that after the marriage, these applicants and her husband were demanding Rs.5 lakhs for the purpose of employment of one Yogesh Bhagwan Salunkhe. The parents of the complainant were unable to pay such huge amount. It is further alleged that the applicant Nos. 1, 2, 3, 5 and 6, all were abusing the respondent No. 2 on telephone. From the contents of the first information report, it appears that there are specific allegation against husband, applicant No.7-mother-in-law and against applicant No. 4. However, it appears from the record that the applicant No. 4 is resident of Shirpur in Dhule District. The applicant Nos. 1 to 6 are not residing at Devpur i.e. matrimonial house of the complainant. The applicant Nos. 1 to 6 are residing in different places i.e. the

applicant Nos. 1 and 2 are residing in Surat in Gujarat State, applicant No. 3 is residing in Malegaon Taluka, applicant No. 4 is residing at Shirpur, Applicant No. 5 is residing at Nandurbar and applicant No. 6 is residing in Malegaon Taluka. Therefore, it is impossible for them to come together and that to only for the purpose of giving ill-treatment to the complainant.

3. On going through the contents of the first information report and other papers, it appears that the allegation against the present applicants Nos. 1 to 6 are vague and in general. No specific act of the ill-treatment given by each of the applicant Nos. 1 to 6 have not been quoted. There is Omnibus statement against the applicant Nos. 1 to 6 about the ill-treatment. So even the contents of the first information report are taken to be true then also the ingredient of Section 498-A are not established.

4. In view of the above, continuation of the criminal proceeding against the applicant Nos. 1 to 6 is nothing but an abuse of process. Now a days there is growing tendency to drag the relatives of the husband in the criminal case that to without specific

allegation against them. In such circumstances, such tendency has to be curbed. Therefore, the first information report registered against the applicant Nos. 1 to 6 needs to be quashed and set aside.

ORDER

1. The application of the applicant Nos. 1 to 6 is allowed in terms of prayer clause (B);
2. The application of the applicant No. 7 stands dismissed;
3. Rule is made partly allowed to the extent of applicant Nos. 1 to 6.

(K. L. WADANE, J.)

(T.V. NALAWADE, J.)

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