

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

CRIMINAL APPLICATION NO.2680 OF 2007

1. Narayan s/o Bhanudas Gajare
Age : 60 years, Occu : Retired.
2. Sonabai w/o Narayan Gajare,
Age : 55 years, Occu : Household
3. Jagdish s/o Narayan Gajare,
Age 27 Years, Occu : Business
4. Balu @ Gajanan s/o Narayan Gajare,
Age 25 years, Occu. Education,
5. Kum. Sarita d/o Narayan Gajare,
Age 23 years, Occu. Education,

All residing at Yogeshnagar, Ambad Road,
Jalna, Taluka and District Jalna.

... Applicants

VERSUS

1. The State of Maharashtra,
Department of Home
Mantralaya, Mumbai.
2. The Superintendent of Police,
Latur District,
Latur.
3. Police Inspector,
Police Station Renapur,
Taluka Renapur,
District Latur.

Copies for respondent Nos. 1 to 3
are served through Public Prosecutor,
High Court at Aurangabad.

4. Sou. Shaila w/o Pravin Gajare,
Age 21 years, Occu. Household
R/o. Renapur, Tq. Renapur,
District Latur.

...Respondents

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Advocate for Applicant : Mr. R. R. Imale
APP for respondent/State : Mrs. D. S. Raje
Advocate for Respondent No. 4 : Mr. S. S. Halkude

**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 applicants have challenged the first information report C.R. No. 77/2007 lodged by the respondent No. 4 to the police station, Renapur, Taluka Renapur, District Latur, for the offence punishable under Section 498-A read with Section 34 of the Indian Penal Code.

3. The applicant No. 1 is father-in-law, applicant No. 2 is mother-in-law, applicant Nos. 3 and 4 are brother-in-laws and applicant No. 5 is the daughter of applicant No. 1. It is alleged by the respondent No. 4 in the first information report that she married with one Pravin Narayan Gajare. He is serving in the arms forces and went on duty in the month of May 2006. Thereafter, the applicant Nos. 1 to 5 started ill-treatment on account of trifle reasons. It is further alleged that all the applicants have demanded an amount of Rs.1 lakh for purchasing jeep and they were also ill-treating as a less dowry was given in the marriage. It is further alleged that on the instigation of the present applicants, her husband was abusing and beating her. She further alleged that all six applicants have instigated her husband to ill-treat the respondent No. 4.

4. Looking to the sum and substance of the allegation against the present applicants, it appears that those are vague and in general nature. No specific act or incidents are quoted by the complainant in the first information report indicating the particular act of the applicant Nos. 1 to 5. A vague statement about the ill-treatment is not acceptable, neither it is sufficient to *prima facie* establish the ingredient of

section 498-A.

4. In view of the above, the continuation of the criminal proceeding as against the present applicants is nothing but an abuse of process. Therefore, the application is allowed in terms of prayer clause (B).

(K. L. WADANE, J.)

(T.V. NALAWADE, J.)

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