

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

CRIMINAL APPLICATION NO. 1519 OF 2018

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| 1. Narendra s/o Hari Ingle,
Age 28 years, Occu: Unemployed | ... Applicants
(Orig.Accused) |
| 2. Surekha Hari Ingle
Age 50 years, Occu: Services | |
| 3. Hari s/o Kisna Ingle,
Age 66 Years, Occu: Agril.
1 to 3 R/o Kurha Tq. Muktainagar,
Dist. Jalgaon | |
| 4. Sanjay s/o Hari Ingale
Age 35 years, Occu: Service
Junior Resident, Sukhsagar Medical
College and Hospital, Jabalpur, M.P. | |
| 5. Archana Vinod Bhoi@ Archana Hari
Ingle Age 30 years, Occu: Service,
Agricultural Assistant,
Yawal Dist. Jalgaon. | |
| 6. Kamlakar s/o Dashrath Nikwade
Age 48 years, Occu: Service,
Junior Clerk, R/o Shirpur, Dist. Dhule | |
| 7. Bhagyashree Kamlakar Nikwade
Age 44 years, Occu: Household
R/o Shirpur, Dist. Dhule | |
| 8. Rajendra s/o Dashrath Nikwade
Age 40 years, Occu: Service, Peon
R/o Rahul Daulatsinghji Bahuuddeshiya
Secondary & Higher Secondary School,
Dondaicha, Dist. Dhule | |
| 9. Ratnabai w/o Rajendra Nikwade
Age 36 years, Occu: Household,
R/o Dondaicha, Dist. Dhule | |

VERSUS

1. The State of Maharashtra,
Through Police Inspector,
Shirpur City Police Station,
Taluka Shirpur Dist. Dhule
2. Harsha Narendra Ingale, ... **Respondents**
Age 28 years, Occu: Household
R/o C/o Ishwar Tarachand More,
At Post Waghadi, Tq. Shirpur
District Dhule

Mr. L. V. Sangit, Advocate for the applicants
Mr. R. V. Dasalkar, APP for the respondent State.
Mr. A. S. Savale, Advocate for respondent No.2

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

DATE: : 26th July, 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 Code of Criminal Procedure for relief of quashing of first information report bearing Crime No. 45/2018 registered with Shirpur City Police Station, Tq. Shirpur, Dist. Dhule for the offence punishable under Section 498-A, 504, 506 read with 34 of the Indian Penal Code.
3. Respondent No.2/original complainant- Harsha lodged first

information report against the present applicants on 21.02.2018 alleging that she was married to applicant No. 1 on 07.06.2018 and started living with her husband and in-laws at her matrimonial home. It is alleged that she was treated well by applicants initially for some days and thereafter, the applicants started torturing, insulting and ill-treating the complainant on trivial issues, saying that her parents did not give them proper respect in marriage. It is alleged that the applicants were abusing the complainant in filthy language and were always taunting her that she is not cooking well. The applicants used to beat her with kick and fist blows. Her husband used to say her that he has married to her only for enjoyment and was made her to behave as per his whims at the point of knife. It is alleged that in June, 2016 she was thrown out of matrimonial house. It is further alleged that the applicants asked the complainant to bring Rs.10 lakhs from her parents and threatened that if it is not given, she will not be taken back for cohabitation. The complainant also approached the Women's Grievance Redressal Centre at Dhule, however, the counseling failed. With these allegations, offence as referred above came to be registered against the applicants.

4. Heard Mr. Sangit, learned counsel for the applicants, Mr.

Dasalkar, learned APP for the State and Mr. Savale, learned counse for respondent No.2.

5. On perusal of the contents of the first information report it appears that specific allegation of ill-treatment and harassment and demand of money are made against applicant Nos.1 to 3 who are residing jointly at Kurha. Applicant No. 1 is husband of the complainant whereas applicant No. 2 is mother -in-law and applicant No.3 is father in-law of the complainant. respondent There are specific allegations against them that they have harassed the complainant mentally and physically and were also demanding money from her parents. Instances of harassment are given in the F.I.R. In view of that we are not inclined to exercise discretion in respect of applicants 1 to 3.

6. All family members and relatives of the accused husband appears to have been roped in the offence. Applicant No.4 is elder brother and applicant No.5 is sister of applicant No.1-husband. Applicant Nos. 6 and 8 are maternal uncle of Applicant No.1 and Applicant Nos. 7 and 9 are maternal aunt of Applicant No.1-husband. Allegations against them are that they were torturing the complainant

and were supporting her husband for ill-treatment. It appears that applicant Nos. 4 to 9 are residing separately at their respective places and there was no occasion for them to harass or torture the complainant on the grounds stated in the FIR. They have no direct concern/nexus with the family affairs of the applicants 1 to 3 and the complainant.

7. On perusal of the first information report, it appears that there is no material particular quoting any specific incident about ill-treatment or harassment against applicant Nos. 4 to 9 so as to attract ingredients of section 498-A of the Indian Penal Code. Allegations against these applicants in the first information report are vague and general in nature. On its face, the complaint does not constitute any offence against applicant Nos. 4 to 9. Nothing can be achieved if criminal proceedings are allowed to be continued against these applicants. Therefore, we found considerable force in the argument of Mr. Sangit, learned counsel for the applicant for quashing the F.I.R. to the extent of the applicant Nos. 4 to 9.

8. In view of the above, in order to prevent the abuse of process of law, we find that discretion needs to be exercised in respect of

Applicant Nos. 4 to 9. Hence following order:

O R D E R

- i. Application of applicant Nos. 4) Sanjay Ingle, 5) Archana, 6) Kamlakar Nikwade, 7) Bhagyashree Nikwade, 8) Rajendra Nikwade and 9) Ratnabai Nikwade is hereby allowed.
- ii. First information report bearing Crime No. 45/2018 registered against the applicants with Shirpur City Police Station, Tq. Shirpur, Dist. Dhule for the offence punishable under Section 498-A, 504, 506 read with 34 of the Indian Penal Code is hereby quashed and set aside to the extent of Applicant Nos. 4 to 9.
- iii. Application of Applicant Nos. 1 to 3 i.e. Narendra Ingale, Surekha Ingale and Hari Ingale respectively is rejected.
- iv. Rule is made partly absolute in the above terms.

(K. L. WADANE, J.)

(T. V. NALAWADE, J.)

JPC