

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

**CRIMINAL APPLICATION NO. 3380 OF 2017**

- 1) Santosh s/o Ashokdas Vaishnav,  
Age 36 years, Occ. Agriculture.
- 2) Sumitra Ashokdas Vaishnav,  
Age 58 years, Occ. Household.
- 3) Ashokdas Shriramdas Vaishnav,  
Age 65 years, Occ. Agriculture.
- 4) Dinesh Ashokdas Vaishnav,  
Age 39 years, Occ. Agriculture.
- 5) Yogita Dinesh Vaishnav,  
Age 38 years, Occ. Household.  
All r/o. Belapur, Tq. Shrirampur,  
Dist. Ahmednagar.
- 6) Saroj Sachin Vaishnav,  
Age 32 years, Occ. Household,  
R/o. Railway Station Behind RTO  
Office, Aurangabad.
- 7) Ganga Sachin Vaishnav,  
Age 29 years, Occ. Household,  
R/o. Akashwani, Behind Bagga  
Hotel, Jalna Raod Aurangabad.

... **Applicants**  
(Orig.Accused No. 1 to 7)

**VERSUS**

- 1) The State of Maharashtra.
- 2) Sonali Santosh Vaishnav,  
Age 28 years, Occ. Household,  
R/o. Balaji Galli, near Balaji  
Mandir, Partur, Tq. Partur,  
Dist. Jalna.

... **Respondents.**  
(Respondent No. 2 is  
original complainant)

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Advocate for Applicants : Mr. Mr. D.R. Adhav.  
APP for respondent No. 1/State : Mr. M.M. Nerlikar.  
Advocate for respondent No. 2 : Mr. V.A. Bagal.

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

**DATE : 25<sup>th</sup> June, 2018.**

**JUDGMENT (PER K.L. WADANE, J)**

1. Rule. Rule made returnable forthwith. With the consent of the parties, this application is taken up for final hearing.
2. The applicants/accused have challenged first information report bearing Crime No. 184/2017 registered with Partur police station, District Jalna, for the offences punishable under section 498-A, 323, 504 read with section 34 of the Indian Penal Code.
3. The brief facts of the case may be stated as follows:
  - (i) The applicant No. 1 is the husband of respondent No. 2, applicants No. 2 and 3 are the parents of applicant No. 1, applicant No. 4 is the brother of applicant No. 1, applicant No. 5 is wife of applicant No. 4 and applicants No. 6 and 7 are the sister-in-laws of the respondent No. 2/original complainant.
  - (ii) Complainant alleged that her marriage was performed with applicant no. 1 on 30.11.2008. After marriage she was treated well for about

two months. Thereafter applicants started illtreating the complainant for one and the other reason and demanded Rs. 5 lakh for construction of house. The complainant has one son and one daughter from applicant No. 1. The applicants harassed the complainant mentally and physically. Due to the illtreatment the complainant started residing at her parental house at Partur. It is further alleged by the complainant that when she was residing at Partur applicants No. 1 to 5 came there. At that time father of the complainant told them that due to poor financial condition they are unable to fulfill their demand Rs. 5 lakh. At that time applicant No. 1 assaulted the complainant in front of her parents. The applicants No. 2 to 5 also assaulted her and left the place. It is further alleged by the complainant that her parents and brother by giving understanding to her sent the complainant for cohabitation at Belapur. But the applicants again started illtreatment to the complainant. Therefore lastly on 05.02.2017 she filed complaint against the applicants/accused with police station Partur. With these allegations, offence came to be registered against the applicants/accused for the offences punishable under section 498-A, 323, 504 read with section 34 of the Indian Penal Code.

4. We have heard the arguments of Mr. Adhav, learned counsel for the applicants, Mr. Nerlikar, learned APP for the respondent No.1/State and Mr. Bagal, learned counsel for respondent No. 2.

5. On perusal of the contents of the first information report it appears that specific allegations of illtreatment, demand of money and harassment are made against original applicants/accused No. 1 to 5, who are residing jointly. However, it appears that, applicants No. 6 and 7, are married sisters of applicant No. 1 and are residing at their matrimonial houses at different places. There are no specific allegations against them in the first information report or in supplementary statement. Therefore prima-facie it appears that applicants No. 6 and 7 have no direct concern with the family affairs of the applicants No. 1 to 5.

6. On perusal of the first information report it also appears that there is no material particular quoting any specific incident of visit or about illtreatment or harassment at the hands of applicants No. 6 and 7, so as to attract the ingredients of section 498-A of the Indian Penal Code or other offences as alleged by the complainant. The allegations made in the complaint against the applicants No. 6 and 7 are vague and general in nature. Hence to prevent the abuse of process of law, we find that discretion needs to be exercised in respect of applicants No. 6 and 7. Hence, following order:

### **ORDER**

1. Application of applicant No. 6 Saroj Sachin Vaishnav and applicant No. 7 Ganga Sachin Vaishnav is allowed.

2. Relief is granted to No. 6 Saroj Sachin Vaishnav and applicant  
No. 7 Ganga Sachin Vaishnav in terms of prayer clause 'B'.
3. Prayer of applicants No. 1 to 5 is dismissed.
7. Criminal Application is disposed of accordingly.
8. Rule is made partly absolute in the above terms.

**(K. L. WADANE, J.)**

**(T.V. NALAWADE, J.)**

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