

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

CRIMINAL APPLICATION NO. 5149 OF 2017

1. Pradeep s/o Dattatraya Rokade
Age 30 years, Occu: Labour,
2. Dattatraya s/o Namdeo Rokade,
Age 70 years, Occu: Labour
3. Shantabai w/o Dattatraya Rokade,
Age 65 years, Occu: Household.
4. Anil s/o Dattatraya Rokade,
Age : 32 years, Occu: Labour.
5. Deepak s/o Dattatraya Rokade,
Age: 27 years, Occu: Labour.
No. 1 to 5 R/o Sukewadi,
Tq. Sangamner, Dist. Ahmednagar.
6. Meenakshi w/o Ravindra Randhe,
Age : 45 years, Occu : Household.
7. Sonali d/o Ravindra Randhe,
Age : 23 years, Occu: Education.
8. Rupali d/o Ravindra Randhe,
Age: 20 years, Occu: Education,
Nos. 6 to 8 R/o Shivaji Chowk,
Sangamner (Kh), Tq. Sangamner
Dist. Ahmednagar.

... Applicants

VERSUS

1. The State of Maharashtra
Through Police Station, Loni, Taluka
Rahata, Dist. Ahmednagar.
[Copy to be served on P.P. High Court of
Bombay, Bench at Aurangabad]
2. Priyanka w/o Pradeep Rokade,
Age: 28 years, Occu: Household,
R/o Ashirwad Nagar, Loni (Kh)
Tq. Rahata, Dist. Ahmednagar.

Respondents
... (Resp. No. 2 orig.
complainant)

Mr. Choudhari Yuvraj S., Advocate for the applicants
Mrs. P. V. Diggikar, APP for the respondent State.
Mr. A. M. Nagarkar, Advocate for respondent No.2

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

DATE: : 1st August, 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.I-128/2017 dated 29.08.2017, registered against the applicants with Police Station Loni, Tq. Rahata Dist. Ahmednagar for the offence punishable under Sections 498-A, 323, 504, 506 read with 34 of the Indian Penal Code.

3. Respondent No.2 Priyanka/original complainant lodged first information report against the present applicants alleging that she was married to Applicant No.1 Pradeep on 17.06.2016 and started living with her husband and in-laws in her matrimonial home at Sukewadi, Tq.Sangamner. It is alleged that she was treated well by accused/applicants initially for some days. Thereafter, the applicants/accused asked the complainant to bring Rupees five lakhs from her parents for the purpose of purchasing Car and in pursuance to the demand, applicants started ill-treating the complainant, they used to beat her and harass her physically and mentally. It is alleged that

on 12.10.2016 she was hospitalized due to assault by the applicants and since then she is residing with her parents at Loni. It is alleged that on 08.04.2017, the applicants came to the house of parents of the complainant at Loni and have threatened her that unless an amount of Rupees Five lakh is brought she should not come back to the matrimonial home and have abused the complainant and harassed her mentally and physically. With these allegations, offence as referred above came to be registered against the applicants.

4. Heard Mr. Choudhary, learned counsel for the applicants, Mrs. Diggikar, learned APP for the respondent State and Mr. Nagarkar, learned counsel for respondent No.2.

5. On perusal of the contents of the first information report it appears that there are allegations of demand of money, ill-treatment and harassment and assault by the applicants. Looking to the nature of allegations mentioned in the FIR one can understand about the allegations against the husband, mother-in-law, father-in-law and brother-in-laws. Applicant No. 1 is husband, Applicant No.2 and 3 are father-in-law and mother-in-law respectively of the complainant and applicant Nos. 4 and 5 are brother-in-laws of the complainant who are residing together at Sukewadi, matrimonial home of the complainant. Instances of harassment are given in the F.I.R. In

view of nature of allegations we are not inclined to exercise discretion in respect of applicant Nos. 1 to 5.

6. So far as applicant Nos. 6, 7 and 8 are concerned, from the record, it appears that Applicant Nos. 6 is a married sister of applicant No.1 and applicant Nos. 7 and 8 are daughters of applicant No.6 and they all are residing together at Sangamner, away from the matrimonial home of the complainant. Applicant Nos. 7 and 8 are taking education at Samgamner. There was no occasion for the applicants No. 6 to 8 to harass the complainant on the grounds stated in the FIR and they have no direct concern with the family affairs of the applicants 1 to 5 and complainant.

7. In order to lodge a proper complaint, mere mention of the sections and the language of those sections is not sufficient. Particulars of offence committed by each accused and role played by them in committing that offence need to be stated. All family members of the accused husband are roped in the offence. It appears that applicant Nos. 6 to 8 are residing separately at Samgamner. Their Adhar Cards are produced on record. It appears that there is no material particular quoting any specific incident about ill-treatment or harassment against applicant Nos. 6 to 8 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. 6 to 8. 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. Nagarkar, learned counsel for the applicant for quashing the F.I.R. to the extent of the applicant Nos. 6 to 8.

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. 6 to 8. Hence following order:

O R D E R

- i. Application of applicant Nos. 6 Minakshi w/o Ravindra Randhe, 7) Sonali d/o Ravindra Randhe and 8) Rupali d/o Ravindra Randhe is hereby allowed.
- ii. First Information Report, bearing Crime No.I-128/2017 dated 29.08.2017, registered with Police Station Loni, Tq. Rahata Dist. Ahmednagar for the offence punishable under Sections 498-A, 323, 504, 506 read with 34 of the Indian Penal Code is hereby quashed and set aside to the extent of Applicant Nos. 6 to 8.
- iii. Application of Applicant Nos. 1 to 5 is rejected.
- iv. Rule is made partly absolute in the above terms.

(K. L. WADANE, J.)

(T. V. NALAWADE, J.)

JPC