

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

CRIMINAL APPLICATION NO. 420 OF 2019

Rani D/o Bhimraj Marathe,
Age 23 years, Occ. Education,
R/o. 582 Chobhe Row Housing
Society, Renuka Nagar, Bolhegaon,
Nagapur Tq. & Dist. Ahmednagar.
Presently r/o. House No. 15961,
Shikshak Nagar, Ranjangaon
(Shenpunji) Tq. Gangapur, Dist.
Aurangabad.

... **Applicant.**

VERSUS.

1. The State of Maharashtra,
Through Police Station officer,
Pathardi Police Station, Dist.
Ahmednagar.
2. Swati w/o Vivek Marathe,
Age 23 years, Occ. Household,
R/o. Karanji, Tq. Pathardi, Dist.
Ahmednagar.

... **Respondents.**

...

Mr. Kasar Rajendra S., Advocate for Applicant.
Mr. S.B. Yawalkar, A.P.P. for respondent No. 1.
Mr. M. R. Sonvane, Advocate for respondent No. 2.

**CORAM : T.V. NALAWADE &
MANGESH S. PATIL, JJ.**

DATE : 27/03/2019

JUDGMENT (PER MANGESH S. PATIL, J.) :

Heard.

2. Rule. The rule is made returnable forthwith. Learned APP waives service of notice for respondent No. 1 and learned advocate Mr. Sonvane waives service of notice for respondent No. 2. With the consent of both the

sides the matter is heard finally at the stage of admission.

3. The applicant who is the sisters-in-law of respondent No. 2 is seeking quashment of Crime No. 491/2018 registered with Pathardi Police Station, District Ahmednagar registered at the instance of respondent No. 2 for the offences punishable under section 498A, 504, 506 read with section 34 of the Indian Penal Code.

4. We have heard the learned advocates for both the sides as well as the learned APP. In our considered view the case presents yet another instance as to how perhaps in the hit of moment a matrimonial dispute which culminates in lodging of complaint under section 498A of the Indian Penal Code by the wife lands even the sister-in-law in trouble in the form of impending prosecution. Even the Supreme Court in the cases of **Arnesh Kumar V/s. State of Bihar and Anr. [AIR 2014 SC 2756]**, **Preeti Gupta and Anr. V/s. State of Jharkhand and Anr. [(2010) 7 Supreme Court Cases 667]**, **Geeta Mahrotra & Anr V/s. State of U.P. & Anr. [2013 (AIR) (SC) 181]**, and several other cases has noticed the usual tendency of wives filing complaint under section 498A of the Indian Penal Code to implicate the relations of the husband to wreck vengeance. The Courts have to be circumspect while scrutinizing such cases vis-a-vis relations of the husband.

5. After solemnizing marriage 19.02.2018 the respondent No. 2 lodged the F.I.R. on 13.08.2018 showing that she could barely put in about six months of marital life. Going by the allegations in the F.I.R. she was

properly maintained for first couple of months. It is only thereafter that her parents in law started insulting her on the ground that they were not appropriately treated at the marriage. She alleged that when she told her husband about it he said that there was no other alternative except to stay separate from his parents but for that she should bring some money. It is then alleged that on 15.05.2018 her husband and his parents as well as the present applicant abused and threatened her and driven her out of the house. Except this isolated, bald and omnibus statement there is absolutely no whisper about applicant having ever demanded money from her or to have committed any other overt act.

6. In our considered view, it would be an exercise in futility and sheer abuse of process of law if she is made to subject herself to investigation and a possible trial. We are of the firm opinion that the case of the applicant is squarely covered by category 1, 3 and 8 of **State of Haryana and Ors V/s. Bhajan Lal and Ors., AIR 1992 Supreme Court 604** case.

7. The application is therefore allowed.

8. The rule is made absolute in terms of prayer clause 'B'.

(MANGESH S. PATIL, J.)

(T.V. NALAWADE, J.)

mkd