

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

CRIMINAL WRIT PETITION NO. 182 OF 2019

1. Mr. Rohit Mahipatrao Suryavanshi,
Age: 34 years, Occ. Nil.
 2. Mr. Mahipatrao Bhaurao Suryavanshi,
Age: 66 years, Occ. Retired.
 3. Mrs. Shobha Mahipatrao Suryavanshi,
Age: 61 years, Occ. Housewife,
All R/at- B-504, Gayatri Sankul,
Plot No.38, Sector 20, Khar Ghar,
Tal – Panvel, Dist.-Raygad
 4. Sou. Kiran Santosh Lad,
Age: 39 years, Occ. Service,
 5. Santosh Prabhakar Lad,
Age: 41 years, Occ. Service,
Both R/at – 404, Shivchintan CHS Ltd.,
Plot No.33, Sector No. 20 C,
Oppo. Good will Harmony Airoli,
Navi Mumbai – 400 708.
 6. Shri. Sajjanrao Jagadale
Age – 46, Occu – Service
R/at- Shubh Home CHS Ltd,
Plot No.78, Sector 20, Kharghar,
Navi Mumbai – 410 210.
- ... **Petitioners**

Versus

1. The State of Maharashtra (Through),
Rahuri Police Station.
 2. Mrs. Ashwini Rohit Suryvanshi,
Age: 30 years, Occ. Nil,
R/at- C/o Pralhad Dhokane, Rahuri Factory,
Tal – Rahuri, Dist - Ahmednagar
- ... **Respondents**

.....

Ms. Kshitija Moreshwar, Advocate h/f Mr. P. V. Balkhande, Advocate for the Petitioners.

Mr. P.G. Borade, A.P.P. for Respondent no.1-State.

Mr. A.R. Gaikwad, Advocate for Respondent No.2 (Appointed).

.....

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

DATE : 04.04.2019

JUDGMENT :- (Per: Mangesh S. Patil, J.)

Heard. Rule. The Rule is made returnable forthwith. Learned A.P.P. waives service for the respondent-state and learned advocate Mr. A.R. Gaikwad waives service for the respondent no.2. With the consent of both the sides the matter is heard finally at the stage of admission.

2. The petitioners are seeking quashment of Crime No. 51 of 2019 registered with Rahuri Police Station for the offences punishable under Section 498-A, 323, 504, 506 read with Section 34 of the I.P.C.

3. The respondent no.2 lodged the F.I.R. on 21.01.2019 *inter alia* alleging that her marriage was solemnized on 28.12.2013 with the petitioner no.1. Petitioner nos.2 and 3 are his parents, petitioner no.4 is his sister, petitioner no.5 is the husband of the petitioner no.4 and the petitioner no.6 is his cousin. For six months she was maintained properly. Thereafter her husband started demanding money for construction of a bungalow at Pune. He used to abuse and threaten her. Her mother in law used to demand gold

bangles and even she was ill-treating her. Somehow she continued to co-habit in the matrimonial house. When her parents and brother approached the petitioners to convince them even they were driven out. Even when she became pregnant she was kept starving and therefore she had to get aborted. With the hope that everything will fall in place she continued to co-habit. In spite of intervention of an agency there was no amicable settlement and petitioners flatly refused to allow her to co-habit. Ultimately, she lodged the complaint.

4. After hearing the arguments when this Court expressed its disinclination to grant any relief to the petitioner nos.1 to 3, their learned advocate, on instructions, seeks leave to withdraw the petition to their extent.

5. We have carefully gone through the F.I.R. as well as the papers. A careful perusal of the F.I.R. reveals that so far as the petitioner no.4 is concerned, she is married sister of the husband and the only allegation levelled against her is that she along with her parents kept the respondent no.2 starving, without any specific and precise reference to the date, time or place or attributing any specific overt act to her. It is also not made clear as to how in spite of being a married sister staying elsewhere she could have an opportunity to subject the respondent no.2 to cruelty. In fact she has been co-habiting with her husband i.e. the petitioner no.5 at Airoli whereas the

matrimonial home of the respondent no.2 is at Kharghar.

6. So far as petitioner nos.5 and 6 are concerned there is not even a whisper in the F.I.R. referring their role in subjecting the respondent no.2 to cruelty on account of any demand for money or gold. It is only in the last sentence in an omnibus fashion even their names have been included. It is usual experience that in matrimonial disputes even the distant relations of the husband are roped in. In our considered view, no fruitful purpose is likely to be served if the petitioner nos.4 to 6 are made to face the investigation and charge, based on such vague and omnibus allegations.

7. The petition therefore deserves to be allowed to the extent of petitioner nos.4 to 6 and the rule is made absolute in terms of prayer clause-(ii) to their extent.

8. The petition is disposed of as withdrawn to the extent of petitioner nos.1 to 3 and the rule is discharged to their extent.

9. Advocate Mr. A.R. Gaikwad has been appointed to represent the respondent no.2. His fees is quantified @ Rs.3000/- and to be paid through the High Court Legal Services Authority.

[MANGESH S. PATIL, J.]

[T.V. NALAWADE, J.]