

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

CRIMINAL APPLICATION NO. 511 OF 2019

1. Rakhmaji S/o Sakharam Shinde (Father-in-law),
Age: Major, Occu. Labour,
R/o. Ladsawangi, Tq. & Dist. Aurangabad.
 2. Asha Rakhmaji Shinde (Mother-in-law),
Age: Major, Occu. Housewife,
R/o. Ladsawangi, Tq. & Dist. Aurangabad.
 3. Pooja Dnyaneshwar Patekar (Sister-in-law),
Age: Major, Occu. Housewife
 4. Bhanudas S/o Sakharam Shinde (Father-in-law)
Age: Major, Occu. Labour
 5. Chhaya W/o Bhanudas shinde (Mother-in-law)
Age: Major, Occu. Housewife
 6. Savita W/o Kailash Shinde (Distant Relative)
Age: Major, Occu. Housewife
 7. Ashok Donidiram Patekar (Distant Relative)
Age: Major, Occu. Labour,
All above 3 to 7 are R/o Warali Pada, Shrinagar,
Tq. & Dist. Thane.
- ... **Applicants**

Versus

1. The State of Maharashtra,
Through, Majalgaon Rural,
Police Station, Dist. Beed.
 2. Pooja W/o Vinod Shinde,
Age: Major, Occ. Labour,
R/o. C/o: Santosh Maroti Ingole,
Talkhed, Tq. Majalgaon, Dist. Beed.
- ... **Respondents**

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Mr. Ashok D. Raut, Advocate for the Applicants.

Mr. A.B. Girase, P.P. for Respondent no.1-State.

Mr. S.B. Bhosale, Advocate for Respondent No.2.

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

DATE : 25.04.2019

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

Heard. Rule. The Rule is made returnable forthwith. The learned A.P.P. waives service for the respondent no.1. Learned advocate Mr. S.B. Bhosle 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 applicants who are accused in Crime No. 341 of 2018 registered with Majalgaon Rural Police Station, District Beed for the offences punishable under Section 498-A, 323, 504, 506 read with Section 34 of the Indian Penal Code are seeking quashment of the crime as well as the charge-sheet filed pursuant thereto pending in the Court of Judicial Magistrate First Class, at Majalgaon as R.C.C. No.336 of 2018.

3. The respondent no.2 lodged the F.I.R. against the husband, parents in law and other relations of the husband on 12.10.2018 alleging that her marriage was solemnized on 22.02.2015. However, since inception her husband and his parents were not treating her well. She used to narrate her

plight to her father whenever she used to go back to her parental home. She then alleged that all the applicants and her husband subjected her to cruelty, physical as well mental. She was abused and assaulted by insisting her to bring money from her parents for buying a vehicle. Lastly, she alleged that on 01.10.2018 when she was staying at her parental home her husband and all the applicants arrived there, demanded money to her, abused and assaulted her.

4. After hearing both the sides when this Court expressed its disinclination to grant any relief to the applicant nos. 1 and 2 who are the parents of the husband, their learned advocate, on instructions, seeks leave to withdraw the application to their extent.

5. It is pertinent to note that the F.I.R. is apparently as vague as it could be. Without giving any particulars it has been alleged, so far as the applicant nos. 3 to 7 are concerned, that they along with the other accused had subjected her to ill-treatment on account of their demand for money. It is not at all explained as to how these applicant nos. 3 to 7 who are not residing in the village where her matrimonial home is situated could have arrived from the place of their residence i.e. Warali Pada, Shrinagar, Taluka and District Thane. Applicant no.3 is the married sister in law and applicant nos. 4 and 5 are cousin parents in law of the respondent no.2 whereas the applicant nos. 6

and 7 are distant relations and they are all staying at Thane, whereas her matrimonial home is at Ladsawangi, Taluka and District Aurangabad.

6. Besides, the last incident is stated to have taken place on 01.10.2018 still the F.I.R. has been lodged on 12.10.2018, apparently no explanation is given in the F.I.R. for such delay.

7. It is in this respect it is further necessary to note that along with her affidavit in reply the respondent no.2 has annexed a copy of the complaint lodged by her under provisions of the Protection of Women from Domestic Violence Act, 2005 dated 04.10.2018 wherein she had made several other allegations but even in that complaint no specific and precise allegations were made against the applicant nos. 3 to 7. Perusal of the statements of the parents and other relations of the respondent no.2 also show that even they have been equally vague and omnibus while attributing any role to the applicant nos. 3 to 7.

8. Considering all these aspects, in our considered view, it would be a sheer abuse of the process of law if the applicant nos. 3 to 7 are made to face the charge based on such vague, omnibus and bald allegation. Their case is squarely covered by category nos. 1, 3 and 7 from the case of **State of Haryana and Ors. V/s. Bhajan Lal and Ors.**; AIR 1992 SUPREME COURT 604.

9. The Criminal Application therefore deserves to be allowed and is accordingly allowed to the extent of applicant nos. 3 to 7 in terms of prayer clause 'B'. The Rule is made absolute to their extent in those terms.

10. Application of the applicant nos. 1 and 2 is disposed of as withdrawn. The Rule is discharged to their extent.

[MANGESH S. PATIL, J.]

[T.V. NALAWADE, J.]