

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**BENCH AT AURANGABAD**  
**CRIMINAL APPLICATION NO.1190 OF 2018**

- 1] Arun s/o. Shripad Kulkarni  
Age : 63 years, Occ.:Retired,
- 2] Anup s/o. Arun Kulkarni,  
Age: 33 years, Occ.: Service,
- 3] Anushree w/o. Anup Kulkarni,  
Age: 28 years, Occ.:Housewife,  
All R/o Flat No.001, Lake View,  
Sr.No.33/1, Ambegaon Khurd,  
Katraj, Pune-46.

**..APPLICANTS**

VERSUS

- 1] The State of Maharashtra,  
Through Police Station Officer,  
Deopur West Police Station, Dhule,
- 2] Manjusha w/o. Narendra Kulkarni,  
Age: 25 years, Occ. Housewife,  
R/o Survey No.33/1,  
Katraj, Ambegaon (Kh.)  
near to Lake vista, Pune.  
At present Kedareshwar  
Nagar, Gondur Road, Deopur,  
Dhule.

**..RESPONDENTS**

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Mr. N.V. Gaware h/f Mr. Vivek V. Tarde for applicants.

Mr. S.B. Joshi, APP for respondent No.1/State.

Mr. Vakil Afzal Husain M. for respondent No.2.

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

**DATE : 10 APRIL 2019.**

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

. Heard.

2. Rule. Rule made returnable forthwith. The learned A.P.P. waives service for respondent No.1. The learned Advocate Mr. Vakil waives service for respondent No.2. By consent of both the sides, matter is heard finally at the stage of admission.

3. The applicants are seeking quashment of Crime No.I-87/2017 registered with Deopur West Police Station, Dhule for the offence punishable under Sections 498A, 323, 504, 506 read with Section 34 of Indian Penal Code being accused Nos. 2 to 4 in that crime.

4. Shorn of details, the facts leading to the filing of this application are as under:

The respondent No.2 lodged the FIR on 23.08.2017 *inter alia* alleging that after her marriage on 07.07.2017 she started cohabiting with her husband and her in laws in their house. However, she was subjected to ill treatment. The applicant No.1 who is her father in law was having an ill eye on her. When she informed her husband about it, he did not intervene and asked her to get along. She then cohabited with her husband at Goregaon for 15 to 20 days but even during that period he insisted her to bring money from her parents. When she refused, he assaulted her and threatened her of dire consequences. When her parents arrived there and tried to convince him he did not budge and declared that he will not maintain her. Lastly, she alleged that on 06.06.2017, when she disclosed her wish to complete M.C.A. Course her husband and the applicants opposed her and assaulted her and drove her out of the house. Since thereafter she has been staying with her maternal aunt at Dhule.

5. The learned Advocate for the applicant, on instructions, seeks to withdraw the application to the extent of the applicant No.1, father in law, when this Court expressed its disinclination to grant any relief to him.

6. We have carefully perused the papers. As can be gathered from the FIR, though the applicant Nos. 2 and 3 have been named therein and some allegations have been levelled even against them, those are clearly omnibus and vague. It is only alleged that when she approached them complaining about the behavior of the applicant No.1 of keeping an ill-eye on her they had abused her and asked her to tolerate it. It is then vaguely alleged that they used to instigate her husband. She has also vaguely mentioned about her husband and the applicant Nos. 2 and 3 having assaulted her on 06.06.2017 and having driven her out of the house. In our considered view, the allegations as against

applicant Nos.2 and 3 are as vague as it could be.

7. It is important to note that the applicant Nos. 2 and 3 though have been residing in the same village their place of residence is separate, as can be seen from their Aadhar Card produced on the record. There is apparently no other material which would point out any active role played by them in subjecting the deceased to cruelty within the meaning of Section 498A of the Indian Penal Code. It seems that as experienced by the Supreme Court in catena of cases, the respondent No.2 seems to have roped-in the applicant Nos.2 and 3 being the relatives of her husband. No fruitful purpose is likely to be served by making them face the investigation and the possible charge. It would be a sheer misuse of the process of law, if they are made to face the impending trial. Their case is apparently covered by category Nos.1, 3 and 7 of the **State**

**of Haryana and Ors V/s. Bhajan Lal and Ors.: AIR  
1992 Supreme Court 604.**

8. The application to the extent of applicant Nos. 2 and 3 is allowed in terms of prayer clause 17-B and 17-BB.

9. The Rule is made absolute in those terms.

10. The application to the extent of applicant No.1 is disposed of as withdrawn.

**[MANGESH S. PATIL,J.]**

**[T.V. NALAWADE,J.]**

SCM