

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

CRIMINAL APPLICATION NO.2741 OF 2019

1. Sainath s/o Ramrao More
Age : 29 yrs, Occu : Private Service,
R/o. In front of Mahindra Showroom,
Nanded
2. Meera w/o Mohan Wadje
Age : 35 yrs, Occu : Household,
3. Pooja d/o Mohan Wadje
Age : 19 yrs, Occu : Student,
4. Mohan s/o. Bapurao Wadje
Age : 55 yrs, Occu : Agri,
Applicant Nos.2 to 4
R/o Tembhurni, Tq. Naigaon, Dist. Nanded
5. Asha w/o Hanmant Kadam
Age : 32 yrs, Occu : Household,
R/o. Sangvi, Tq. Naigaon, Dist. Nanded .. Applicants

Versus

1. The State of Maharashtra
Through Police Station,
Mondha, Parbhani, Tq. & Dist. Parbhani
2. Meera w/o Sainath More
Age : Major, Occu : Household,
R/o. Gajanan Nagar, Near Mondha,
Parbhani .. Respondents

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Advocate for the applicants : Shri B.N. Gadegaonkar
APP for Respondent No.1 : Mrs V.S. Choudhary
Advocate for Respondent No.2 : Shri M.P. Kale

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**CORAM : T.V. NALAWADE &
N.B. SURYAWANSHI, JJ.**

Dated : December 02, 2019

ORAL JUDGMENT (Per: N.B. Suryawanshi, J.) :-

1. This is a Criminal Application filed under Section 482 of the Code of Criminal Procedure (hereinafter referred to as the 'Cr.P.C.') for quashing of FIR at Crime No.0202/2019 registered with Modha Police Station, District Parbhani under Sections 498-A, 323, 506 r.w. 34 of Indian Penal Code (in short 'I.P.C.') registered at the instance of Meera w/o. Sainath More.

2. Rule. Rule made returnable forthwith. Heard finally with the consent of the parties.

3. Applicant no.1 is husband, applicant nos.2 and 5 are sisters-in-law, applicant no.3 is daughter of applicant nos.2 and 4 and applicant no.4 is husband of sister-in-law Meera. It is alleged by respondent no.2 in the FIR that, on 07.05.2018 marriage of the respondent no.2 with applicant no.1 took place and in the marriage gold of Rs.4.5 lakhs was given and the marriage was performed at Parbhani. After respondent no.2 went for cohabitation at her matrimonial home, she was treated well for few days. Thereafter, her husband started

ill-treating her on the ground that he has affair with other girl. The husband used to beat respondent no.2 and also used to illtreat her mentally. She was being illtreated for bringing money from her maternal home for purchasing of flat. Though the parents of respondent no.2 tried to convince the husband, but the illtreatment continued. Applicant nos.2 to 5 used to instigate the applicant no.1 – husband, telling that respondent no.2 is not good looking, she is not in a position to do the proper work. She further stated that, all the applicants used to mentally and physically ill-treat her. Ultimately, she was driven out of the house four months before the lodging of FIR. She delivered a male child at her maternal home. She alleged that, all the applicants ill-treated her for not bringing Rs.12 Lakhs for purchasing flat. Hence, she lodged the FIR.

4. The learned Counsel for the applicants at the outset prayed for withdrawal of application to the extent of applicant no.1. He argued the case of applicants no.2 to 5 stating that vague and general allegations are levelled against them, the complaint is lodged belatedly and the delay is unexplained. The applicant nos.2 to 5 are residing separately and they had no occasion for ill-treating the respondent no.2. No case is made out against them and FIR to the extent of applicants no.2 to 5 is liable to be quashed.

5. The learned APP on the other hand opposed the prayer

contending that, the applicant nos.1 to 5 are specifically named in the FIR. Hence, he prays for dismissal of the application.

6. It is not in dispute that, applicant nos.2 and 5 are married sisters of applicant no.1 and they are residing at their respective matrimonial homes. The applicant no.3 is daughter of applicant nos.2 and 4. The applicant nos.2 and 5 are married prior to the marriage of applicant no.1 and respondent no.2. There are vague and general allegations levelled against the applicant nos.2 to 5 and no specific overt act or instance to show their involvement is quoted by the respondent no.2 in the impugned FIR. In our considered opinion, applicant nos.2 to 5 are roped in by the respondent no.2 only with a view to pressurize the applicant no.1. There are overt acts attributed to applicant no.1 alone. In this view of the matter, we are inclined to allow the prayer of applicant nos.2 to 5 as according to us no case is made out against them and only vague and general allegations are levelled against them. Hence, the following order.

ORDER

- (i) Criminal Application of applicant no.1 is disposed of as withdrawn.
- (ii) Criminal Application of applicant nos.2 to 5 is allowed. Relief is granted to applicant nos.2 to 5 in terms of prayer clause 'C'.

(iii) Rule is accordingly made absolute.

(N. B. SURYAWANSHI, J.)

(T.V. NALAWADE, J.)

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