

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

CRIMINAL APPLICATION NO.2771 OF 2019

1. Archana w/o Vishal Pagare
Age : 32 yrs, Occu : Housewife,
R/o. H.No.152, S.T. Co-Op. Hsg.
Society, N-2 CIDCO, Aurangabad
Dist. Aurangabad
2. Vishal Damodar Pagare
Age : 37 yrs, Occu : Advocate
(Presently working as Law Officer
at S.D.P.O. Office, Jalna)
R/o. H.No.152, S.T. Co-op. Hsg Society,
N-2 CIDCO, Aurangabad, Dist. Aurangabad .. Applicants

Versus

1. The State of Maharashtra
Through Police Station Chawani,
Aurangabad, Dist. Aurangabad
2. Kajal w/o Kiran More
Age : 22 yrs, Occu : Housewife,
R/o. C/o. Rajesh Fakirchand Chaudhari
H. No. B/H/1/50, Thakrenagar,
CIDCO N-2, Aurangabad .. Respondents

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Advocate for Applicants : Shri Rahul O. Awasarmol
APP for Respondent No.1 / State : Shri R.D. Sanap
Advocate for Respondent No.2 : Shri Chaitanya Deshpande

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

Dated : December 02, 2019

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

1. By this application, the applicants seek quashing of the FIR at Crime No.255 of 2019 registered with Chawani Police Station, Aurangabad for the offences punishable under Sections 498-A, 323, 504 r.w. 34 of the Indian Penal Code (hereinafter referred to as the 'I.P.C.'). Applicant no.1 is sister-in-law of respondent no.2 and the applicant no.2 is husband of applicant no.1.

2. Rule. Rule made returnable forthwith and taken up for final disposal at admission stage with consent of the parties.

3. Respondent no.2 lodged FIR against six accused persons including husband Kiran, Mother-in-law Sau Aruna Mukund More, father-in-law Shri Mukund Shamrao More, brother-in-law Shri Sachin Mukund More and present applicants alleging that, all the accused

persons used to ill-treat her for bringing money from her maternal house for training of her husband Kiran. They gave physical as well as mental ill-treatment. Till November- 2017 she tolerated the ill-treatment. Thereafter as the ill-treatment became unbearable, she went to her maternal house and lodged case against the accused persons in the Court. Till 08.03.2018 the respondent no.2 was with her parents, however husband called her and informed her that he is sleeping on the railway track and called her urgently. In view of persuasion on the part of friends of the husband, respondent no.2 went to the Court and husband assured the Court that, he will treat respondent no.2 well and will not ill-treat her. The case was closed. Thereafter, the respondent no.2 along with husband started residing at Bhujbal Nagar, Aurangabad, however her ill-treatment continued at the hands of the husband. Hence, she left the house of her husband on 12.06.2019 and lodged the above mentioned FIR.

4. We have perused the relevant documents with the able assistance of the learned counsel for the applicants and the learned APP. The applicants no.1 and 2 are respectively sister-in-law and her husband, who have married prior to the marriage of the respondent no.2 and are staying separately since long. There are absolutely no allegations against them in the FIR and only with the view to harass

the in-laws, the names of the applicants appear to have been implicated in the present crime by the respondent no.2. There are no overt acts or instances quoted by the respondent no.2 in the impugned FIR showing the involvement of the applicant nos.1 and 2. The allegations made against them are too vague and general and the proceedings filed against them is an abuse of process of law. Hence, we are inclined to grant relief in favour of the applicants. In the result, the following order is passed.

ORDER

- (i) The Criminal Application is allowed.
- (ii) Relief is granted in terms of prayer clause 'B'.
- (iii) Rule is accordingly made absolute.

(N. B. SURYAWANSHI, J.)

(T.V. NALAWADE, J.)

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