

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

CRIMINAL APPLICATION NO. 2640 OF 2018

1. Charudatta s/o Bharat Pampad,
Age: 28 years, Occ. Labour,
R/o. Jamner, Tq. Jamner,
Dist. Jalgaon.
2. Laxmi Bharat Pampad,
Age: 45 years, Occ. Household,
R/o As above.
3. Bharat s/o Manikrao Pampad,
Age: 60 years, Occ. Retired,
R/o As above.
4. Madhumala Bharat Pampad,
Age: 19 years, Occ. Household,
R/o Sanja Road, Osmanabad.
Tq. & Dist. Osmanabad.
5. Charushila w/o Tushar Bharude,
Age: 30 years, Occ. Household,
R/o C/o Tushar Ashok Bharude,
Railway Station, Shendurini,
Tq. Jamner, Dist. Jalgaon.

... **Applicants**

Versus

1. The State of Maharashtra,
Through Police Station Officer,
Chakur Police Station,
Tq. Chakur, Dist. Latur.
2. Shital w/o Charudatta Pampad,
Age: 20 years, Occ. Household,
R/o Zari (Bk), Tq. Chakur,
Dist. Latur.

... **Respondents**

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Mr. Tiwari Arvind K., Advocate for the Applicants.

Mr. M.M. Nerlikar, A.P.P. for Respondent no.1-State.

Ms. Bharati Gunjal, Advocate for Respondent No.2 (Appointed).

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

DATE : 01.04.2019

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

Heard. Rule. The Rule is made returnable forthwith. Learned A.P.P. and the learned advocate for the respondent no.2 waive service. 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. 179 of 2018 registered with Chakur Police Station, District Latur for the offences punishable under Section 498-A, 323, 504, 506 read with Section 34 of the I.P.C. are seeking its quashment.

3. The respondent no.2 lodged the F.I.R. alleging that her marriage was solemnized on 13.06.2017 with the applicant no.1. For initial few days she was maintained properly. Since thereafter her parents in law i.e. the applicant nos.2 and 3 and her sister in law i.e. the applicant no.5 started instigating the applicant no.1 to raise a demand for Rupees Twenty Five Lakhs

for construction of the house. When she told them inability of her parents to pay the money they threatened her that they would allow her to cohabit only if the money was paid. They then started suspecting her fidelity and on that count they all were abusing and assaulting her. She alleged that on 10.11.2017 all her ornaments were snatched away and she was driven out. On 13.01.2018 all the applicants came to the house of her parents but again raised the demand. Her husband then flatly denied to co-habit with her and they left the place. She thereafter alleged that when she tried to resume co-habitation with the intervention of some persons the applicants' house was found locked. It is alleged that thereafter the applicant no.5 repeatedly telephoned her and demanded money as a precondition for reunion. Her parents thereafter lodged a complaint with the Women's Grievance Cell but in vain. On the basis of such complaint, the offence was registered as mentioned herein-above.

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

5. As far as applicant nos.4 and 5 are concerned, admittedly, the applicant no.5 is the married sister in law residing at a separate place. Going

by the F.I.R., at least her name is mentioned in the F.I.R. saying that she was exhorting the applicant no.1 in raising the demand for money and in subjecting the respondent no.2 to cruelty. However, as far as the applicant no.4 is concerned the F.I.R. is absolutely silent about she having played any role. The allegations against the applicant no.5 are also vague and omnibus. More importantly, even according to the respondent no.2, initially the grievance was made by lodging a complaint with the Women's Grievance Cell. She has also produced a copy of such complaint dated 02.02.2018. However there is absolutely no whisper about the applicant no.5 having repeatedly made phone calls to her demanding money. Therefore, accepting the allegations in the F.I.R. at their face value, no specific and precise role is attributable to the applicant nos.4 and 5. Considering the usual tendency to rope in all the relations of the husband in complaints under Section 498-A , as noticed by the Supreme Court from time to time, allowing them to face the investigation and a possible trial on such vague and omnibus allegations would be a sheer misuse of the process of Court. Their case squarely falls under the category nos.1, 3 and 8 of the **State of Haryana and Ors. V/s. Bhajan Lal and Ors.; AIR 1992 SUPREME COURT 604.**

6. The application is therefore allowed to the extent of applicant nos.4 and 5 and the rule is made absolute in terms of prayer Clause-C to their extent.

7. Leave is granted and the application is disposed of as withdrawn to the extent of applicant nos.1 to 3 .

8. Advocate Ms. Bharati Gunjal has been appointed to represent the respondent no.2. Her fees is quantified @ Rs.3000/- and to be paid through the High Court Legal Services Authority.

[MANGESH S. PATIL, J.]

[T.V. NALAWADE, J.]