

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

CRIMINAL APPLICATION NO.3734 OF 2018

1. Sushma W/o Pandurang Jadhav,
Age 54 years,
Occu. R.D. Agent for post office, Barshi,
R/o Dharmadikari plot, Gadegaon Road,
Barshi.
2. Sujit Pandurang Jadhav,
Age 31 years, Occu. Service,
R/o Dharmadikari plot, Gadegaon Road,
Barshi.
3. Seema W/o Balasaheb Bodhale,
Age 45 years, Occu. Housewife,
R/o 1/4, B-11, Shivdarshan Co-op Society,
Sector-10, Aroli, Navi Mumbai.
4. Balasaheb S/o Sarangdhar Bodhale,
Age 50 years, R/o 1/4, B-11,
Occu. Conductor in BEST,
R/o Shivdarshan Co-op Society, Sector-10,
Aroli, Navi Mumbai.
5. Rupwati W/o Shivaji Doiphode,
Age 73 years, Occu. Nil,
R/o 528-1/A, Kasba Peth, Barshi.
6. Sharad S/o Shivaji Doiphode,
Age 48 years, Occu. Busines,
R/o 528-1/A, Sutar Net, Kasba peth,
Barshi.
7. Shishir S/o Shivaji Doiphode,
Age- 44, Occu. Farmer,
R/o 528-1/A, Sutar Net,
Kasba peth, Barshi.

8. Sadhna Shishir Doiphode,
Age 35 years, Occu. Housewife,
R/o 528-1/A, Sutar Net, Kasba Peth,
Barshi.
9. Hemant Shivaji Doiphode,
Age 52, Occu. Farmer, Business /
Ex- serviceman,
R/o 528-1/A, Sutar Net, Kasba Peth,
Barshi.
10. Manju @ Sulakshna Hemant Doiphode,
Age 42 years, Occu. Housewife,
R/o 528-1/A, Sutar Net, Kasba Peth,
Barshi. ... **Applicants**

Versus

1. The State of Maharashtra,
Through Sambhajinagar Police Station,
Tq. Parli, District Beed.
2. Pooja W/o Suhas Jadhav,
Age 27 years, Occu. Nil,
R/o C/o Ramesh Harishchandra Patil,
Plot No.50, Piturchhaya,
Shivaji Nagar, Parali,
Tq. Parli, District Beed. ... **Respondents**

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Mr. Ajinkya Reddy, Advocate for Applicants.
Mr. Swapnil Joshi, APP for Respondent-State.
Mr. Chowkidar h/f Mr. V.P.Golewar, Advocate for
Respondent No.2.

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

DATE : 01.04.2019

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

Heard. Rule. The Rule is made returnable forthwith. The learned APP waives service for the Respondent-State. The learned advocate Mr. Chowkidar holding for Mr. V.P.Golewar waives service for Respondent No.2. With the consent of both the sides the matter is heard finally at the stage of admission.

2. The applicants are seeking quashment of FIR and charge-sheet in Crime No.68 of 2018 registered with Sambhaji Nagar Police Station, Parali, District Beed for the offences punishable under Section 406, 420, 498-A read with Section 34 of the Indian Penal Code.

3. In a meticulously drafted FIR running into as many as eight pages, Respondent No.2 alleged that her marriage was solemnized on 29.01.2015. However since inception behaviour of her husband was whimsical. He allowed her to cohabit only for 15 days but even during that period he was spending much of his time with his friends and relations and used to come late in the night after

consuming liquor. He even refused to have sex. During this period all his relatives that is all the applicants had stayed in the house of her husband. When she made a grievance to some of them regarding the whimsical behaviour of her husband, instead of intervening and convincing him they started taunting her by saying that she was simpleton, her educational qualification was bogus, she was mad and her father had deceived them. They were not properly treated at the time of marriage. Some of them also insisted for money to enable him to start a hotel at Barshi. She then alleged that on 15.02.2015 without intimating her, husband went to Mumbai but she was made to wait at Barshi and left for United Kingdom. She then alleged that since thereafter till March 2016 she stayed at the in-law's place. The rest of the applicants were frequenting to their house and were demanding money. Some of them were instigating others to insult her and thus she was physically and mentally harassed. Applicant No.2 brother-in-law who was serving in Merchant Navy was also intermittently coming back from ship and used to abuse and insult her. She also

narrated as to how instead of dependent visa only a visiting visa was applied for her and as to how she and her parents were insulted even at the Airport. Her husband continued to ill-treat her even while she was cohabiting with him in a tour to Mauritius. Lastly she alleged that even after returning from Mauritius the behaviour of her husband did not change and she was continued to be ill-treated and insulted.

4. After hearing arguments of both the sides when this court expressed its disinclination to grant any relief to applicant No.1 who happens to be the mother-in-law of Respondent No.2, her learned advocate, on instructions, seeks leave to withdraw the application to her extent.

5. So far as the rest of the applicants are concerned, applicant No.2 is the brother, applicant No.4 is the maternal uncle, applicant No.3 is the wife of maternal uncle of husband. The rest of the applicants are cousin maternal uncles and their wives. Time and again the Supreme Court has issued guidelines as to how the Courts should approach while considering such request of

quashment of FIR and charge-sheet in matrimonial dispute which culminates in filing of complaints under Section 498-A of the IPC. In the case of ***Taramani Parakh Vs. State of Madhya Pradesh and Others ; (2015) 11 Supreme Court Cases 260*** elaborate guidelines have been laid down.

6. Simultaneously one also needs to bear in mind that even the Supreme Court has observed that there is usual tendency of implicating the near and distant relations of the husband when a complaint under Section 498-A is lodged. One need only to refer to the decisions in the case of ***Preeti Gupta and another Vs. State of Jharkhand and another ; (2010) 7 Supreme Court Cases 667, Geeta Mehrotra and another Vs. State of U.P. and another ; 2013 AIR (SC) 181, Arnesh Kumar Vs. State of Bihar and another ; AIR 2014 SC 256 and Amit Kapoor Vs. Ramesh Chandra and another ; (2012) 8 SCC 460.***

7. Bearing in mind these principles if one examines the

matter in hand, inspite of meticulously drafting the FIR which runs into as many as eight pages, refer to different episodes of alleged ill-treatment, demand for money etc., we are of considered view that primarily Respondent No.2 seems to have a grievance against her husband and mother-in-law, albeit reference is made to the brother-in-law and other relations who are not even residing in the same matrimonial home. Though attempt has been made to refer to some of the applicants as involved in only some episodes, care has been taken to refer to other applicants in some other episode. Pertinently no specific and precise allegations have been levelled against applicant Nos.2 to 10 to even prima facie show as to in what manner they were directly involved either in demanding money or subjecting her to cruelty.

8. Same is the case with the statements of witnesses viz. her father Ramesh, mother Shanti, paternal aunt Deepali, brother Akshay. They have all are equally vague and omnibus while referring to the role played by applicant Nos.2 to 10. It would be a sheer exercise in

futility and abuse of the process of law if they are allowed to face the trial based on such bald and omnibus allegations.

9. Taking into account the fact that Respondent No.2 holds engineering degree, coupled with the fact that a typed FIR has been lodged running into 8 pages, it is nothing but an attempt by her to rope in as many relations of the husband as possible. In our considered view, the case of applicant Nos.2 to 10 is squarely covered by Category 1, 3 and 8 of Bhajan Lal's case.

10. The application to the extent of applicant Nos. 2 to 10 is therefore allowed. The rule is made absolute in terms of prayer clause 'A'.

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

(MANGESH S. PATIL, J.)

(T.V.NALAWADE, J.)

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