

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO.332 OF 2018

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|----|---|------------------|---|
| 1. | Govind Vishwanath Mundhe
age 30 years, occ. Agriculture
r/o Talgaon, Tq. Parali Vaijnath
Dist. Beed. | }
}
}
} | Application withdrawn
vide Court order
dated 01.02.2018 |
| 2. | Radhabai Vishwanath Mundhe
age 60 years, occ. Agriculture
r/o As above. | | |
| 3. | Janardhan Shankarrao Mundhe
age 73 years, occ. Agriculture
r/o as above. | | |
| 4. | Prajakta Balaji Tambde
age 38 years, occ. Household
r/o Parali Vaijnath
Dist. Beed. | | |
| 5. | Jyoti Baban Karad
age 40 years, occ. Household
r/o Trimurty Niwas, Barshi Raod
Near Shrikrushna Mandir
Shreenagar
Latur. | | |
| 6. | Sonali Pralhad Phad
age 33 years, occ. Household
r/o Kanherwadi, Beed. | | Applicants |

Versus

1. State of Maharashtra
Through Police Station Officer,
Parali City Police Station
Taluka Parali Vaijnath
Dist. Beed.

2. Swati Govind Mundhe
age 25 years, occ. Household
r/o Vidya Nagar, Parali Vaijnath
Dist. Beed.

Respondents

Shri Pratik Kothari, Advocate holding for Mr. S.S. Bora, Advocate for the applicants.

Shri K.S. Patil, APP for respondent No. 1.

Shri A.D. Aghav, Advocate for respondent No. 2.

**CORAM : T.V. Nalawade &
M.G. Sewlikar, JJ.**

DATE : 5th February, 2020.

JUDGMENT : (PER M.G. SEWLIKAR, J.)

1. Rule. Rule made returnable forthwith.
2. By consent, heard both sides for final disposal.
3. This is an application for quashing of the First Information Report.
4. The facts leading to this application are that respondent No. 2 married applicant No. 1 on 07.04.2012. Applicant No. 2 is the mother of applicant No. 1. Applicant No. 3 is the cousin father in law

of respondent No. 2. Applicants No. 4 to 6 are sisters in law of respondent No. 2.

5. Respondent No. 2 has alleged in the First Information Report that she was maintained well till 10th January, 2014, thereafter applicants started ill-treating her. They used to pass sarcastic remarks at her. She was also kept without food. For all these reasons, she started staying with her parents since October 2016. When she tried to resume cohabitation with the applicants, applicants refused to take back her in the house and beat her. On 17.04.2017, applicant No. 1 came to her maternal place and subjected her to beating and threatened her. On these allegations, she lodged First Information Report on 18.01.2018 on the basis of which, offence under Section 498-A, 323, 504, 506 r/w Section 34 of the Indian Penal Code has been registered against the applicants.

6. Application with respect to applicant No. 1 was withdrawn by order dated 01.02.2018.

7. During the course of argument, when learned counsel for the applicants realised that we are not inclined to grant relief to

applicant No. 2, he sought permission to withdraw the application to the extent of applicant No. 2. Permission was accorded accordingly.

8. So far as applicants No. 3 to 6 are concerned, omnibus allegations are made against them to the effect that respondent No. 2 was kept starved. No overt act is attributed against any of these applicants. Therefore, even if these allegations are accepted as true, commission of cognizable offence cannot be said to be made out. Continuation of prosecution against them would be an abuse of process of the Court. The near relatives of the husband are involved in such type of offences. On the basis of these allegations, it cannot be said that any cognizable offence is made out against these applicants. Therefore, this case is squarely covered by the principles laid down in the case of **State of Haryana and others Vs. Ch. Bajan Lal and others** reported in **AIR 1992 Supreme Court 604**. Hence, First Information Report against applicants No. 3 to 6 will have to be quashed. Hence the following order :-

ORDER

1. The proceeding of applicant No. 1 was already disposed of as withdrawn.
2. The proceeding of applicant No. 2 is disposed of as withdrawn.

3. The proceeding of applicants No. 3 to 6 is allowed.

4. Relief is granted to applicants No. 3 to 6 only in terms of prayer clause (C) and to that extent the FIR stands quashed and set aside.

5. Rule is made absolute in those terms.

6. Criminal Application No. 297 of 2020 filed for permission to produce documents is allowed and disposed of.

(M. G. SEWLIKAR)
Judge

(T.V. NALAWADE)
Judge

dyb