

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

CRIMINAL APPLICATION NO. 1003 OF 2018

1. Amruta d/o Ashok Chakre
Age: 30 years, Occ. Nil,
R/o Dwarkapuri, Eknath Nagar,
Osmanpura, Aurangabad.
2. Ashwini d/o Ashok Chakre
(Ashwini w/o Amit Adhav)
Age: 27 years, Occ. Nil,
R/o Woden Complex,
Old Jalna, Tq.& Dist. Jalna.
3. Ankita d/o Ashok Chakre
Age: 25 years, Occ. Education,
R/o Dwarkapuri, Eknath Nagar,
Osmanpura, Aurangabad.
4. Amar s/o Ashok Chakre
Age: 31 years, Occ. Nil,
R/o Dwarkapuri, Eknath Nagar,
Osmanpura, Aurangabad.
5. Amit s/o Shamrao Adhav
Age: 30 years, Occ. Service,
R/o Woden Complex,
Old Jalna, Tq.& Dist. Jalna.
6. Alka w/o Ashok Chakre
Age: 52 years, Occ. Household,
R/o Dwarkapuri, Eknath Nagar,
Osmanpura, Aurangabad.
7. Ashok s/o Sadashiv Chakre
Age: 62 years, Occ. Pensioner,
R/o Dwarkapuri, Eknath Nagar,
Osmanpura, Aurangabad.

8. Pramabai w/o Kashirao Bihare
Age: 80 years, Occ. Nil,
R/o Jyoti Nagar, Dargah Road,
Aurangabad, Tq. & Dist. Aurangabad.

9. Rahul Yeshwant Chakre
Age: 35 years, Occ. Labour,
R/o Padegaon, Tq. & Dist. Aurangabad.

... **Applicants**

Versus

1. The State of Maharashtra,
Through Police Station Mukundwadi,
Aurangabad

2. Manisha d/o Babasaheb Bhole,
(divorcee of Amar Chakre)
Age: 29 years, Occ. Household,
R/o. C/o Babasaheb Bhole,
Prakash Nagar, Near Pinkeshwar School,
Ramnagar, Mukundwadi,
Tq. & Dist. Aurangabad.

... **Respondents**

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Mr. R.R. Shaikh, Advocate for the Applicants.

Mr. R.D. Sanap, A.P.P. for Respondent no.1-State.

Mr. S.R. Kolhare, Advocate for Respondent No.2.

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**CORAM : T.V. NALAWADE &
M.G. SEWLIKAR, JJ.**

DATE : 23.01.2020

JUDGMENT :- (Per: *M.G. Sewlikar, J.*)

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. This is an application for quashment of the F.I.R. Facts giving rise to this application are as under:

3. Respondent no.2 is the wife of Amar Chakre i.e. applicant no.4. Their marriage was solemnized on 23.12.2012. Applicant nos.1 to 3 are the sisters of the applicant no.4. Applicant no.5 is the husband of applicant no.2. Applicant no.6 is the mother of applicant no.4 and applicant no.7 is the father of applicant no.4. Applicant no.8 is the paternal grand mother of applicant no.4 and applicant no.9 is the cousin of applicant no.4.

4. Since marriage, all the applicants started ill-treating her on trivial grounds. She remained pregnant and therefore she came to her maternal place. On 21.05.2014 she delivered a girl child owing to which her husband applicant no.4 picked up a quarrel in the hospital itself. He left the hospital without having a look at the child. Since then all the applicants started hating her. The applicants demanded Rupees Ten Lakhs for getting employment for applicant no.4. When the ill-treatment became unbearable she went away to her parents. Thereafter she lodged the F.I.R. against the applicants on 14.03.2018.

5. Heard Shri R.R. Shaikh learned counsel for the applicants, Shri R.D. Sanap learned A.P.P. for the respondent-State and Shri S.R. Kolhare learned counsel for the Respondent No.2.

6. Shri Shaikh argued that applicant no.4 had filed divorce petition in the Family Court at Aurangabad which has been allowed on 11.08.2017. On 14.03.2018 the F.I.R. has been lodged. He further argued that lodging of F.I.R. after divorce is clearly motivated, so as to harass the applicants. As against this, learned counsel for respondent no.4 submitted that appeal has been preferred against the said decision.

7. During the course of arguments the learned counsel for the applicants sought permission to withdraw application to the extent of applicant nos.4, 6 and 7 as this Court was not inclined to grant relief to these applicants.

8. So far as other applicants are concerned the allegations as against them are vague in nature. No specific act is attributed to any of the applicants. Applicant nos.1 to 3 are married sisters of the applicant no.4. Applicant no.8 is the paternal grand mother who is 80 years old. Applicant no.9 is a resident of Padegaon. As observed by the Hon'ble Supreme Court in

the case of **Kans Raj V/s. State of Punjab; AIR 2000 SC 2324** there is a growing tendency to implicate near relatives of the husband. Having regard to the omnibus allegations against the applicant nos.1 to 3, 5, 8 and 9 commission of cognizable offence cannot be said to be made out against these applicants. Therefore their case is squarely covered by the case of **State of Haryana and Ors. V/s. Bhajan Lal and Ors.; AIR 1992 SUPREME COURT 604**. In this view of the matter continuation of prosecution would be an exercise in futility. Hence following order is passed:

ORDER

- I. Application to the extent of applicant nos.1 to 3, 5, 8 and 9 is allowed and the rule is made absolute to their extent in terms of prayer clause-B.
- II. The application to the extent of applicant nos.4, 6 and 7 is disposed of as withdrawn and the rule is discharged to their extent.

[M.G. SEWLIKAR, J.]

[T.V. NALAWADE, J.]