

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

**CRIMINAL APPLICATION NO. 1082 OF 2020**

1. Sandip S/o Murlidar Chaudhari  
Age: 46 years, Occu. Associate Professor in SBES  
College of Arts and Commerce, Aurangabad  
R/o Nageshwarwadi, Aurangabad.
  2. Rohini W/o Sandip Chaudhari  
Age: 40 years, Occu. Housewife,  
R/o Nageshwarwadi, Aurangabad.
- ... **Applicants**

Versus

1. The State of Maharashtra  
through Police Inspector,  
Jalgaon Police Station  
Ramanand Jalgaon, District Jalgaon.
  2. Sau. Sayali W/o Manish Baviskar,  
Age: 26 years, Occu. Housewife,  
R/o Ramanand Jalgaon,  
Disrcit Jalgaon.
- ... **Respondents**

...  
Advocate for Applicants : Mr. N.P. Dube  
APP for Respondents/State : Mr. S.G. Sangle  
Advocate for R/2 : Mr. M.M. Bhokarikar  
...

**CORAM : T.V. NALAWADE &  
M.G. SEWLIKAR, JJ.**  
**DATE : 14.08.2020**

**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 waives service. With the consent of both the sides the matter is heard finally at the stage of admission.

2. This is an application for quashing of the FIR under Section 482 of the Cr.P.C.

3. Facts giving rise to this application are that the informant married one Manish Baviskar on 28.01.2019. At the time of marriage it was projected that her husband was working in Ammspec Laboratory, Texas, USA. After marriage the informant went to Amalner for co-habitation at that time her husband Manish, her mother in law Jyoti Chaudhari, her distant father in law Shankar Chaudhari, her distant mother in law Ashalata Chaudhari, her distant mother in law Rukhmini Chaudhari, her distant brother in law Ashish Chaudhari and applicant nos.1 and 2 were living at Amalner. Applicant no.2 is the distant sister in law of respondent no.2 (the informant) and applicant no.1 is the husband of applicant no.2. Her husband Manish started saying that the father of respondent no.2 did not permit him to apply for VISA before the marriage. Otherwise he had the plans to take the informant-respondent no.2 to the USA before marriage. Her mother in law Jyoti Chaudhari,

Ashalata Chaudhari used to instigate the husband of the respondent no.2 and used to abuse her. After some days husband of respondent no.2 flew back to USA. Thereafter, her mother in laws Rukhminibai and Ashalata started saying that she should bring 20 tolas of gold from her father. When the respondent no.2 had gone to Mumbai for obtaining VISA, she learned that the VISA of her husband had expired owing to which she could not get the VISA. She learned that this was done deliberately by her husband so that she should not get VISA. Thereafter her mother in law started saying that she should bring Rupees Fifty Lakhs to enable them to purchase a flat at Pune. When she expressed her inability to do so her mother in law abused her. When her relatives Pravin Lokhande and Mahesh Chaudhari asked her husband as to when he would take her to USA they were abused. Her husband said that he would throw acid on the face of her sister Phalguni and would throw her father from a running train. When her parents had come to take her back for Bhaubeej, her paternal in laws abused them. She was thrown out of the house as she failed to bring Rupees Fifty Lakhs. On 10.12.2019 her mother in law Jyoti Chaudhari, her father in law Shankar Chaudhari had gone to her house and said that they would take back the informant only on payment of Rupees Fifty Lakhs and 20 Tolas of gold. On the basis of these allegations FIR was lodged on 11.05.2020 on the basis of which offence under Section 498-A,

420, 406, 323, 504, 506, 507, 510 read with Section 34 of the I.P.C. has been registered against the applicants.

4. Heard Shri Dube the learned counsel for the applicants, Shri Bhokarikar the learned counsel for the respondent no.2 and Shri Sangle the learned APP for the State.

5. Shri Dube submitted that the allegations made against the applicants are vague. The applicants did not reside at Amalner, they reside at Aurangabad. Therefore, they have no connection with the alleged incidents. Therefore, the FIR to that extent be quashed.

6. Learned counsel Shri Bhokarikar and Shri Sangle the learned APP submitted that specific allegations are made against the applicants and at the time of incident they were staying there. Therefore, FIR to their extent cannot be quashed.

7. On perusal of the FIR, it is seen that the only allegation against the applicants is that they along with other accused Shankar Chaudhari, Ashalata Chaudhari, Ashish Chaudhari abused the parents of the informant when they had come to take her back. No date is given. No specific abuses are mentioned. Vague allegations are made against the applicants.

Therefore, on the basis of such vague allegations, it cannot be said that any offence as alleged against the applicants is made out. The Hon'ble Supreme Court has observed in the case of **Kans Raj V/s. State of Punjab; AIR 2000 SC 2324** that now a days there is a trend to implicate all the family members even if they are living at distant places. The applicants have produced Aadhar cards of applicant nos.1 and 2 which show that both of them are living at Aurangabad. The applicant no.1 is an Assistant Professor since 27.12.1999 in Department of Sociology in S.B.E.S. College of Arts and Commerce, Aurangabad. Thus, the evidence on record clearly shows that applicants do not reside at Amalner. In view of this, the material placed on record does not show that any offence is made out against the applicants. In this view of the matter, we deem it fit to quash the FIR to the extent of these applicants. Hence, following order is passed:

#### **ORDER**

- I) Application is allowed and the rule is made absolute in above terms.

**[M.G. SEWLIKAR, J.]**

**[T.V. NALAWADE, J.]**