

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

CRIMINAL APPLICATION NO. 1739 OF 2019

Sunita w/o Vijay Pote,
Age: 31 years, Occ. Household,
R/o Hanumanpada, Hindustan Chowk,
Mulund Colony, Mulund (West)
Mumbai – 80.

... **Applicant**

Versus

1. The State of Maharashtra,
Through Investigation Officer,
Kotwali Police Station,
Ahmednagar, Dist. Ahmednagar.

2. Priti w/o Dattatraya Surase,
Age: 25 years, Occ. Household,
R/o. Nagar-Daund Road,
Near Trimurti Hospital, Kedgaon,
Dist. Ahmednagar.

... **Respondents**

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Mr. D.R. Jaybhar, Advocate for the Applicant.
Mrs. D.S. Jape, A.P.P. for Respondent no.1-State.
Mr. A.S. Reddy, 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 quashing of the F.I.R. Facts giving rise to this application are as under:

3. The respondent no.2 married Dattatraya Surase on 24.12.2016. The applicant is the sister in law of respondent no.2 (sister of the husband). The applicant states in the F.I.R. that Rupees Ten Lakhs were demanded by father in law of the respondent no.2, her mother in law, her husband, brother and the applicant for repayment of the loan amount. It is further alleged that she expressed her inability to pay the said amount because of which the applicant and other accused used to beat her. The applicant came to the matrimonial place of respondent no.2. On 07.05.2017 she was driven out of the house on the ground of her non-fulfillment of demand of Rupees Ten Lakhs. On 06.07.2018 she was beaten on her left ear. Thereafter she came back to her maternal place. Thus the F.I.R. was lodged on 16.11.2018 on the basis of which offences punishable under Section 498-A, 323, 504, 506 read with Section 34 of the I.P.C. has been registered against the applicant in Kotwali Police Station, Ahmednagar.

4. Heard Shri D.R. Jaybhar the learned counsel for the applicant, Smt. D.S. Jape, A.P.P for the respondent-State and Shri A.S. Reddy the learned counsel for the Respondent No.2.

5. On perusal of the F.I.R. it is seen that the allegations against the applicant are vague and general in nature. No specific act is attributed to the applicant. An omnibus statement is that all the accused started demanding Rupees Ten Lakhs for repayment of loan on failure of which she was subjected to ill-treatment. The applicant is the married sister of the husband of respondent no.2. The applicant is not the resident of Ahmednagar i.e. matrimonial place of the respondent no.2. Even as per the charge-sheet she is shown to be the resident of Mumbai. 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 this and having regard to the omnibus allegations levelled against the applicant, it is evident that the allegations even if uncontroverted do not disclose commission of any cognizable offence. Therefore the instant 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 abuse of the process of Court. Hence following order is passed:

ORDER

- i) Application is allowed in terms of prayer clause-D. Rule is made absolute in those terms.

[M.G. SEWLIKAR, J.]

[T.V. NALAWADE, J.]