

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

CRIMINAL APPLICATION NO. 2135 OF 2019

- 1) Anita @ Godavari w/o Bhausahab Kolte,
Age; 45 years, Occ; Agri,
R/o; Sawangi Harsool,
Tq. and Dist. Aurangabad.

**...APPLICANT
(Orig. Accused)**

V E R S U S

- 1) The State of Maharashtra
- 2) Eknath Kashinath Badar,
Age; 55 yrs, Occ; Agri
R/o; Walsa Khalsa, Tq. Bhokardan,
Dist; Jalna.

**..RESPONDENTS
(Resp. No. 2 is
Original
Complainant)**

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Shri. N.K.Tungar, Advocate for the Applicant
Smt. R.D.Sanap, learned A.P.P.for the Respondent No.1
Shri. Nitin S. Ingle, Advocate for Respondent No.2
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**CORAM : T.V. NALAWADE &
M.G. SEWLIKAR, JJ.**

DATE : 13th FEBRUARY, 2020

JUDGMENT : [PER : M.G. SEWLIKAR, J.]

Rule. Rule is made returnable forthwith. With consent of the parties, heard finally.

2. This is an application filed under Section 482 of the Code of Criminal Procedure, for quashing of the First Information Report, No. 68 of 2019, registered with Sillod City Police Station, Tq. Sillod, Dist; Aurangabad, for the offences under Sections 498-A, 304-B, 306 read with Section 34 of the Indian Penal Code.

3. Facts giving rise to this application are that the respondent No. 2 is the father of the deceased Anita @ Godavari. She was married to one Amol Arun Shejul on 28.4.2018. She was maintained well for a period of one month after the marriage. Thereafter, her husband Amol, her mother-in-law Sanjivani, her sister-in-law Rohini started subjecting her to ill-treatment. They used to beat her saying that she should bring the remaining dowry of Rs. 1,00,000/- from her parents for developing their existing General Store. Sheetal w/o Nilesh Deshmukh is the sister-in-law of the deceased and Godawari Kolte is her distant sister of mother in law of deceased. They used to say that the deceased should bring the remaining dowry of Rs. 1,00,000/- from her parents for developing the existing General Store. The deceased could not arrange the amount of Rs. 1,00,000/-. Therefore, the ill-treatment to the deceased Godavari was continued. They used to say to her that the deceased should bring the remaining dowry of Rs. 1,00,000/- from her parents for developing their existing General Store. The respondent No. 2 could not arrange the amount of Rs. 1,00,000/-. Therefore, the ill-treatment to the deceased Godavari continued. On 26.3.2019 at 11.00

a.m. the respondent No. 2 received a message from the husband of the deceased Godavari i.e. Amol Shejul that the deceased had consumed some poisonous substance. Later on, on his way to Aurangabad, the respondent No. 2 received a message of death of the deceased Godavari. Thereafter, the respondent No. 2, filed this F.I.R. The applicant is the sister-in-law of the deceased.

4. Heard Shri. N.K.Tungar, the learned counsel for the Applicant, Shri. R.D.Sanap, learned A.P.P. for the Respondent No.1 and Shri. Nitin S. Ingle, learned counsel for Respondent No.2.

5. Shri Tungar, the learned counsel for the applicant submitted that the allegations against the applicant are omnibus in nature. Therefore, no cognizable offence is made out against the applicant.

6. Shri Sanap, the learned A.P.P. for the State and Shri Ingle, the learned counsel for the respondent No. 2, submitted that the specific allegations against the applicant are made out, therefore the application deserves to be dismissed.

7. On perusal of the F.I.R., it is seen that the allegations against the applicant are general in nature. No specific act is attributed to the applicant. No details of the ill-treatment are given.

The omnibus statements are made that the applicant used to say that the deceased should be asked to bring Rs. 1,00,000/- from her parents for developing their General Store. Mere demand does not constitute cruelty under Section 498-A of the I.P.C. Non fulfillment of the demand should be associated with the harassment of such a nature as is likely to drive a woman to commit suicide or is likely to drive her to cause injury to her life, health or limb. As stated above, the allegation against the applicant is that she used to provoke her husband to harass deceased Godavari to bring Rs. 1,00,000/- from her parents for developing their General Store. Even if, on the basis of these omnibus statements, allegations are accepted to be correct at their face value, the commission of any cognizable offence is not made out against the applicant. The continuation of the prosecution would be an abuse of the process of the Court. In these circumstances, application deserves to be allowed. Hence the following order is passed :

ORDER

- 1) The applications are allowed.
- 2) Case if any filed as against the present applicant only is also quashed and set aside. Relief is granted to that extent.
- 3) Amendment to be carried out forthwith to mention the case in the prayer clause as C-1.
- 4) Relief is granted in terms of prayer clause-C and C-1.

- 5) Rule is made absolute in aforesaid terms.

(M.G. SEWLIKAR, J.)

(T.V. NALAWADE, J.)

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