

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

CRIMINAL APPLICATION NO. 2190 OF 2019

- 1) Ramesh Nanabhau Sonwane,
Age; 38 years, Occ; Service,
- 2) Kewalabai w/o Nanabhau
Sonwane,
Age; 65 years, Occ;
Household,

Above both r/o Plot No. 24,
Dharmaraj Nagar, Korit Road,
Nandurbar.

- 3) Dinesh Nanabhau Sonwane,
Age; 40 years, Occ; Labour,
- 4) Jayashri w/o Dinesh Sonwane,
Age; 35 years, Occ;
Household,

Above both R/o; Hudco,
Colony, Nandurbar.

- 5) Shobha w/o Yashwant Saindane,
Age; 42 years, Occ;
Household,
R/o; Deolai Camp, Vijay
Nagar, Bharur, Nashik.

...Applicants

V E R S U S

- 1) The State of Maharashtra,
Through; Inspector,
Police Station, Hingoli
Rural, Tq. Hingoli, Dist;

Hingoli.

2) Priti w/o Ramesh Sonwane,
Age; 24 years, Occ; Business,
R/o; At Po. Anandnagar,
Balsod,
Hingoli.

..Respondents

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Mr. B.R. Warma h/f Mr. M.G. Kochar :- Advocate
for the Applicants
Mrs. V.N.Patil/ Jadhav :- A.P.P. for the
Respondent No. 1/State :-
Advocate for Respondent No. 2 (appointed) is
absent.

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

DATE : 08th JANUARY, 2020

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

This is an application filed under
Section 482 of the Code of Criminal Procedure
(For short 'Cr.P.C.), for quashing of the First
Information Report (In short "F.I.R."), in
Crime No. 93 of 2019, registered at Police
Station, Hinagoli (Rural), District Hingoli,
for the offence punishable under Sections 498-
A, 323 and 504 read with Section 34 of the

Indian Penal Code (In short 'I.P.C.')

2. Facts giving rise to this application are as under :

Respondent No. 2/Informant is the wife of applicant No. 1. Their marriage was solemnized on 21.1.2014. Applicant No. 1 is her husband, applicant No. 2 is her mother-in-law, applicant No.3 is the brother of applicant No. 1. Applicant No. 4 is the wife of applicant No. 3, applicant No. 5 is the married sister of applicant No. 1.

3. Applicant No. 2 was maintained well for five months after the marriage. Thereafter, all the applicants started ill-treating her and calling her as a bad cook. They used to find fault in her cooking. Applicant No. 2 to 4 used to instigate applicant No. 1, as a result applicant No. 1 used to beat her. On 8.3.2016, respondent No. 2/informant had gone to her

maternal place at Anandnagar, Balsod. She delivered a baby girl on 17.5.2016. Applicants used to ill-treat her saying that they wanted a baby boy. Applicant No. 1 used to say that she should bring Rs. Two Lacs from her parents for purchasing a motorcycle and used to beat her for non fulfillment of the same. She had approached the Woman Redressal Forum, but her efforts of reconciliation did not bear any fruit, therefore as a last resort, she has filed this report.

4. During the arguments, learned counsel for applicants sought permission to withdraw application to the extent of applicant Nos. 1 and 2. He was permitted to do so.

5. After completion of the investigation, charge-sheet has been filed against the applicants, in the Court of Judicial Magistrate First Class, Hingoli.

6. Heard, Mr. B.R. Warma h/f Mr. M.G. Kochar, learned counsel for the Applicants, Mrs. V.N.Patil/Jadhav, learned A.P.P. for the Respondent No. 1/State.

7. On perusal of F.I.R. and the Charge-sheet', it is seen that the span of marriage is of five years. General allegations are made against applicant Nos. 3 to 5. No specific role is attributed against any of the applicant Nos. 3 to 5. Applicant No. 5, as per F.I.R. is the married sister of applicant No. 1. Only allegation against her is that whenever, she came to her maternal place, she would instigate applicant No. 1, to beat respondent No. 2. This allegation is vague in nature. Therefore, on the basis of these vague and non specific allegations, it cannot be said that any cognizable offence is made out against applicant Nos. 3 to 5. On the basis of these un-controverted allegations, it cannot be said that the commission of cognizable offence is

made out. In this view of the matter, the continuation of the proceedings on the basis of such F.I.R. would be an abuse of the process of the Court. Hence, the F.I.R. to the extent of applicant Nos. 3 to 5, will have to be quashed and set aside. Hence following order :

ORDER.

- 1 Application of applicant Nos.1 & 2 is disposed of as not pressed.
- 2 Application of applicant Nos. 3 to 5 is allowed. The relief is granted to applicant Nos. 3 to 5 in terms of prayer clauses (A) & (AA).
- 3 Rule is made absolute, in those terms.

(M.G. SEWLIKAR, J.) (T.V. NALAWADE, J.)