

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

CRIMINAL APPLICATION NO. 2420 OF 2018

1. Satyam S/o Motiram Nawghare
Age: 30 years, Occ. Nil,
R/o. Plot No.33/34, 1st Floor,
Shri Hari Nagar, Near Swami Samarth
Mandir, Garkheda Parisar, Aurangabad.
 2. Motiram S/o Gopal Nawghare
Age: 63 years, Occ. Nil,
R/o. Plot No.33/34, Shri Hari Nagar,
Near Swami Samarth Mandir,
Garkheda Parisar, Aurangabad.
 3. Indu Motiram Nawghare
Age: 47 years, Occ. Household,
R/o. Plot No.33/34, Shri Hari Nagar,
Near Swami Samarth Mandir,
Garkheda Parisar, Aurangabad.
 4. Shivam S/o Motiram Nawghare
Age: 29 years, Occ. Education,
R/o. Plot No.33/34, Shri Hari Nagar,
Near Swami Samarth Mandir,
Garkheda Parisar, Aurangabad.
 5. Sundaram S/o Motiram Nawghare
Age: 28 years, Occ. Education,
R/o. Plot No.33/34, Shri Hari Nagar,
Near Swami Samarth Mandir,
Garkheda Parisar, Aurangabad.
- ... **Applicants**

Versus

1. The State of Maharashtra,
Through Pundalik Nagar Police Station,
Aurangabad

2. Pradnya w/o Satyam Nawghare,
Age: 25 years, Occ. Service,
R/o. C/o. Natwar Rameshwar Joshi
Plot No.1-B, Sadfafule Appt.,
Rana Nagar, Seven Hills,
Aurangabad.

... Respondents

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Mr. Charudatt V. Joshi, Advocate for the Applicants.
Mr. R.D. Sanap, A.P.P. for Respondent no.1-State.
Mr. B.R. Warma, Advocate for Respondent No.2.

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CORAM : T.V. NALAWADE &
M.G. SEWLIKAR, JJ.
DATE : 08.01.2020

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 under Section 482 of the Cr.P.C. for quashing of the F.I.R. and the charge-sheet. The applicants are the accused from Crime No. 88 of 2018 registered with Police Station Pundlik Nagar, Aurangabad for the offences punishable under Section 498-A, 323, 504, 506 read with Section 34 of the I.P.C. Facts giving rise to this application are as under:-

3. The respondent no.2 lodged the F.I.R. alleging that her marriage

was solemnized on 16.05.2013 with the applicant no.1. For a period of six months the applicants treated her well and maintained her properly. Her husband has a business of transport. He was in arrears of the tax of the bus. Therefore applicant no.1 along with applicant nos.2 and 3 (parents of applicant no.1) used to demand Rupees Seven Lakhs for the payment of tax. At that time the respondent no.2 was pregnant, despite that they used to beat her. She had gone for delivery to her parental home. When she came back she was again subjected to ill-treatment for the non-fulfillment of the demand of the applicants. They used to doubt her character. Applicant no.5 used to call her as an ill omen woman. The applicants belong to Scheduled Caste and on that count they used to threaten her of filing F.I.R. under the Atrocities Act. The applicant no.1 had filed divorce petition in the Family Court. A settlement was arrived at between the applicants and respondent in the Family Court. Thereafter she was maintained well for a period of three months and again she was subjected to ill-treatment. Therefore, on 19.12.2017 she preferred an application before the Women's Redressal Cell at Aurangabad. Thereafter she filed the above said F.I.R.

4. Heard Shri Charudatt V. Joshi the learned counsel for the applicants and Shri R.D. Sanap the learned A.P.P for the State.

5. During the course of arguments the learned counsel for the

applicants sought permission to withdraw application to the extent of applicant no.1. He was permitted to do so.

6. On perusal of the F.I.R. it is seen that the allegations against applicant nos.2 to 5 are general in nature. The allegations of ill-treatment made by respondent no.2 against the applicants pertain to the year 2014. There is absolutely no specific and precise overt act attributed to applicant nos.2 to 5. There was settlement on 04.02.2016. The kind of ill-treatment meted out to respondent no.2 between 04.02.2016 and 19.12.2017 is also not specified. The allegations against the applicant nos.2 to 5 are omnibus and vague. Therefore, even if the allegations in the F.I.R. are accepted at their face value commission of cognizable offence is not made out.

7. As has been decided by the Apex Court in several judgments including in the case of **Preeti Gupta and Anr. V/s. State of Jharkhand and Anr.; (2010) 7 Supreme Court Cases 667** and **State of Haryana and Ors. V/s. Bhajan Lal and Ors.; AIR 1992 SUPREME COURT 604**, it is a matter of common knowledge that there has been a usual tendency to rope in all the close relatives of the husband in cases of dowry demand. Allowing applicant nos.2 to 5 to face the investigation and a possible trial on such vague and omnibus allegations would be a sheer misuse of the process of Court. Their case squarely falls under the categories of the **Bhajan Lal's** case.

8. It is evident that the allegations are general in nature and therefore on the basis of such allegations it cannot be said that commission of cognizable offence is disclosed against the applicant nos.2 to 5. In this view of the matter following order is passed:

ORDER

- I. Application to the extent of applicant nos.2 to 5 is allowed and the rule is made absolute to their extent in terms of prayer clause-B and B-1.
- II. The application to the extent of applicant no.1 is disposed of as withdrawn and the rule is discharged to his extent.

[M.G. SEWLIKAR, J.]

[T.V. NALAWADE, J.]