

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

CRIMINAL APPLICATION NO. 3159 OF 2019

- 1) Charudatt s/o Maruti Medhe,
Age; 32 years, Occ; Unemployed,
R/o; Samarth Colony, Loni-Khurd,
Taluka-Rahata, District; Ahmednagar.
- 2) Sheru s/o Maruti Medhe,
Age; 47 years, Occ; Business,
R/o; Narayan Bhosale Chawl,
Jagruti Chowk, Near Sainath Temple,
Bhim Nagar, Ghatkopar, Mumbai.
- 3) Suresh s/o Yohan Muntode,
Age; 47 years, Occ; Service,
- 4) Sushma w/o Suresh Muntode,
Age; 43 years, Occ; Labourer,
- 5) Vishal s/o Suresh Muntode,
Age; 21 years, Occ; Education,

Applicant Nos. 3 to 5 all are R/o; Salve
Vasti, Behind Shankala hostel,
Loni-Sangamner Road, Post-Hasnapur,
Taluka; Rahata, Dist; Ahmednagar.

**...APPLICANTS
(Orig. Accused)**

V E R S U S

- 1) The State of Maharashtra
Through Police Station Officer,
Police Station Amalner,
Tq. Ashti, Dist; Beed.
- 2) Anjali w/o Charudatt Medhe,
Age; 20 years, Occ; Household,
R/o; Samarth Colony, Loni-Khurd,

**..RESPONDENTS
(Resp. No. 2 is**

Taluka- Rahata, Dist; Ahmednagar.

**Original
Complainant)**

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Shri. M.A.Dond, Advocate for the Applicants
Shri. R.V. Dasalkar, learned A.P.P.for the Respondent No.1
Smt. Varsha Lohare, Advocate for Respondent No.2
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**CORAM : T.V. NALAWADE &
M.G. SEWLIKAR, JJ.**

DATE : 11th 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.I-60 of 2019, registered with Police Station, Loni, Tq. Rahata, District Ahmednagar for the offences under Sections 498-A, 323, 504, 506 read with Section 34 of the Indian Penal Code.

3. Facts giving rise to this application are that the respondent No. 2 married applicant No. 1 on 27.12.2015. The applicant No. 1 is the husband of Respondent No. 2. The applicant No. 2 is the brother of the applicant No. 1. The applicant No. 3 is the husband of the applicant No. 4, applicant No. 4 is the wife of the applicant No. 3 and the applicant No. 5 is the son of applicant No. 3 and 4.

4. The applicant No. 1 was employed in a Finance Company and the respondent No. 2 was working in Shirdi Sansthan. She was maintained well by the applicants for a period of six months. The salary of the applicant No. 1 was less, on account of which he used to get agitated and would pickup quarrels with the respondent No. 2. He started saying that she should bring Rs. 1,00,000/- from her father for starting a new business and on that count he used to beat and abuse her. The father of the respondent No. 2 used to live in Loni (Bk.). The Applicant No. 1 used to go to the place of father of the respondent No. 2 and used to abuse him. The applicant No. 1 used to bring the applicant Nos. 2 to 6 to the place of the father of the respondent No. 2 and the applicant Nos. 2 to 6 used to demand Rs. 1,00,000/- for starting business and used to abuse her. Hence this complaint has been lodged by the respondent No. 2 on 16.2.2019.

5. Heard Shri. M.A. Dond, the learned counsel for the Applicants, Shri. R.V. Dasalkar, the learned A.P.P. for the Respondent No.1/State and Smt. Varsha Lohare, the learned counsel for Respondent No.2.

5. Since, we are not inclined to grant any relief against the applicant No. 1, the learned counsel for the applicants sought permission to withdraw the application to the extent of applicant No. 1.

6. Shri Dond, the learned counsel for the applicants submitted that the allegations against the applicant Nos. 1 to 6 are general in nature and therefore, the application deserves to be allowed.

7. Shri Dasalkar, the learned A.P.P. for the State and Smt. Lohare, the learned counsel for the respondent No. 2, submitted that allegations against the applicant Nos. 1 to 5 are specific in nature therefore, the F.I.R. cannot be quashed.

8. On perusal of the F.I.R., it is seen that all the allegations of demand of Rs. 1,00,000/- and the consequent ill-treatment thereto is made against the applicant No. 1 only. Only passing reference is made about unlawful demand and the consequent ill-treatment against the applicants. Therefore, on the basis of these vague allegations, no offence can be said to have been made out against the applicant Nos. 2 to 5. The Hon'ble Supreme Court in the case of **Kans Raj V/s State of Punjab (AIR 2000 SC 2324)**, has observed that

"there is a growing tendency to implicate near relatives of the husband in dowry cases".

It is further observed as under :

"In their over enthusiasm and anxiety to seek conviction for maximum people, the parents of the deceased have been found to be making efforts for involving other relations which ultimately weaken the case of the prosecution

even against the real accused"

9. In the case at hand also the relatives of the husband have been roped in. In such circumstances, it cannot be said that offence under Section 498-A of I.P.C. is made out against the applicant Nos. 2 to 5. The allegations against them are not specific but general in nature. Therefore, the continuation of the prosecution against them would be an abuse of the process of the Court. In view of this, we are inclined to grant relief to the applicant Nos. 2 to 5. Hence the following order is passed :

ORDER

- 1) Application to the extent of applicant No. 1 is disposed of as withdrawn.
- 2) Application to the extent of applicants No. 2 to 5 is allowed.
- 3) Relief is granted to applicants No. 2 to 5 in terms of prayer clause 'B'.
- 4) Fees of the appointed counsel is quantified at Rs. 3,000/- and the same be paid by the High Court Legal Service Sub-Committee, Aurangabad.
- 5) Rule is made absolute In those terms.

(M.G. SEWLIKAR, J.)

(T.V. NALAWADE, J.)