

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 3218 OF 2018

1. Prabhu s/o Baliram Jadhav
age 24 years, occ. Labour
r/o Khanapur
Tq. & Dist. Parbhani.
2. Baliram s/o Purbhaji Jadhav
age 60 years, occ. Labour
r/o Khanapur
Tq & Dist. Parbhani.
3. Gayabai w/o Baliram Jadhav
age 58 years, occ. Labour
r/o Khanapur
Tq & Dist. Parbhani.
4. Suman d/o Baliram Jadhav
age 38 years, occ. Household
r/o Khanapur
Tq & Dist. Parbhani.
5. Sunita w/o Panditrao Jadhav
age 35 years, occ. Household
r/o Bori,
Tq. Jintoor, Dist. Parbhani
6. Anita w/o Suresh Chaudhari
age 29 years, occ. Household
r/o Kinhola
Tq. Manwat, Dist. Parbhani
7. Saraswati w/o Tukaram Chaudhari
age 29 years, occ. Household
r/o Kinhola
Tq. Manwat, Dist. Parbhani

Applicants

Versus

1. The State of Maharashtra
2. Mukta w/o Prabhu Jadhav
age 20 years, occ. Household
r/o c/o Raghuanth Taterao Raut
at Pangri, Tq. Jintur
Dist. Parbhani Respondents

Shri V.B. Jogdand Patil, Advocate for the applicants.
Shri K.S. Patil, APP for respondent No. 1.
Shri V.P. Kadam, Advocate for respondent No. 2.

**CORAM : T.V. Nalawade &
M.G. Sewlikar, JJ.**

DATE : 5th February, 2020.

JUDGMENT : (PER M.G. SEWLIKAR, J.)

1. Rule. Rule made returnable forthwith.
2. By consent, heard both sides for final disposal.
3. This is an application under Section 482 of the Code of Criminal Procedure for quashing of the First Information Report.
4. Respondent No. 2 is the wife of applicant No. 1. Applicant No. 2 is the father, applicant No. 3 is the mother and applicants No. 4

to 7 are the sisters of applicant No. 1.

5. Respondent No. 2 married applicant No. 1 on 18.05.2017. Three to Four days after marriage, applicant No. 1 demanded Rs.2,00,000/- and utensils from respondent No. 2. She was beaten by applicant No. 1 with kicks and fist blows. She was subjected to starvation. Applicants No. 2 to 5 are staying at her matrimonial place and they also used to demand Rs. 2,00,000/- and utensils from respondent No. 2 and on that count they used to abuse her and put her to starvation. Applicants No. 6 and 7 also used to call applicant No. 3 and instigate her to demand Rs. 2,00,000/- from respondent No. 2. Applicant No.1 had tried to push her from slab of the house. On 23.06.2017, respondent No. 2 was dropped by applicant No. 1 at her maternal place and since then she has been staying with her father. Thereafter on 28.02.2018, she lodged this report on the basis of which, offence under Sections 498-A, 323, 504, 506 read with Section 34 of the Indian Penal Code has been registered against the applicants.

6. Learned counsel for the applicants submitted that even if the entire allegations are accepted at their face value, no cognizable

offence is disclosed against the applicants. Omnibus allegations are made against all the applicants. Hence, he prayed for quashing of the First Information Report.

7. During the course of argument, when learned counsel for applicants realised that we are not inclined to grant relief to the extent of applicants No. 1 to 3, he sought permission to withdraw the application to their extent. Permission was accorded accordingly.

8. So far as applicants No. 4 to 7 are concerned, all the allegations against them are vague. No specific act is attributed against any of them. All of them are married sisters of applicant No. 1. Photocopy of Aadhaar Card of applicant No. 5 Sunita shows that she is resident of Bori, Dist. Parbhani. Photocopy of Aadhaar Card of Applicant No. 6 Anita shows that she is resident of Kinhola, Dist. Parbhani. Photocopy of Applicant No. 7 Saraswati's Aadhaar Card shows that she is also resident of Kinhola, Dist. Parbhani. As held in the case of Kans Raj Vs. State of Punjab and others reported in **AIR 2000 Supreme Court 2324** there is growing tendency to implicate the near relatives. The First Information Report shows that omnibus allegations are made against the applicants. On the basis of these

allegations, even if they are accepted at their face value, commission of any cognizable offence is not made out. Continuation of prosecution against them would be abuse of the process of the Court. Therefore, this case is squarely covered by the case of **State of Haryana and others Vs. Ch. Bajan Lal and others** reported in **AIR 1992 Supreme Court 604**.

9. In view of above, the First Information Report will have to be quashed against applicants No. 4 to 7. Hence the following order :-

ORDER

1. The proceeding of applicant Nos. 1 to 4 is disposed of as withdrawn.
2. The proceeding of applicant Nos. 5, 6 and 7 is allowed.
3. Relief is granted to applicant Nos. 5, 6 and 7 in terms of prayer clause (B) as amended. The proceeding itself is quashed and set aside.
4. Rule is made absolute in those terms.

(M. G. SEWLIKAR)
Judge

(T.V. NALAWADE)
Judge

dyb