

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

CRIMINAL APPLICATION NO. 3719 OF 2019

- 1) Chaitanya s/o Sitaram Mandale,
Age; 30 years, Occ; , Private Service,
R/o; Morya Sparsh, Flat No. 506,
A-Wing, Kolhewadi, Pune,
Tq. & Dist; Pune.
- 2) Sitaram s/o Sungaji Mandale,
Age; 54 years, Occ; Service,
R/o; As above.
- 3) Sow Kalpana w/o Sitaram Mandale,
Age; 46 years, Occ; , Household,
R/o; As above.
- 4) Srushti d/o Sitaram Mandale,
Age; 24 years, Occ; Occ; Education,
R/o; As above.

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

V E R S U S

- 1) The State of Maharashtra
Through Police Station Officer,
Nanalpeth Police Station, Parbhani,
Tq. & Dist; Parbhani.
- 2) Sow. Varsha w/o Chaitanya Mandale,
Age; 28 years, Occ; Household,
R/o; Talshi, Tq. Mahur,
District; Nanded
At present : Police Quarters,
B No. 34, Room No. 389, Parbhani
Tq. & Dist; Parbhani.

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

.....
Shri. S.S.Shinde, Advocate for the Applicants
Smt. K.S. Patil, learned A.P.P.for the Respondent No.1
Shri. M.M.Parghane, Advocate for Respondent No.2
.....

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

DATE : 11th MARCH, 2020

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

Rule. Rule made returnable forthwith. With the consent of the parties, heard finally at admission stage.

2. This is an application invoking inherent powers of this Court under Section 482 of the Code of Criminal Procedure, for quashing of the First Information Report, No. 505 of 2018, registered in Police Station, Nanalpeth, Tq. & Dist; Parbhani for the offences punishable under Sections 498-A, 323, 504 read with Section 34 of the Indian Penal Code.

3. Facts giving rise to this application are that the respondent No. 2 married the applicant No. 1 on 2.6.2016. The applicant No. 2 is the father, the applicant No. 3 is the mother and the applicant No. 4 is the sister of the applicant No. 1.

4. The applicant No. 1 is working in a Company at Pune. After the marriage he along with the respondent No. 2 went to reside at

Pune. She was maintained well for three months after the marriage. Thereafter, all the applicants started saying that she is a bad cook. They were accusing her of infidelity and would keep her starved. In the month of September, 2016, the villagers of the village Tulshi informed the applicants that their house at village Tulshi was leaking. Therefore, all the applicants along with the respondent No. 2 went to the village Tulshi. The applicant No. 3 called the brother of the respondent No. 2 there and sent the respondent No. 2 back to her maternal place and thereafter the applicant Nos. 3 and 4 went back to Pune. Eight days thereafter, the respondent No. 2 was reached at her matrimonial place at Pune. Again the applicants started saying that she is a bad cook and that vegetable was not cooked by her properly. The applicant No. 1 used to say that she was not good looking and he married the respondent No. 2 just to please his parents. The applicant Nos. 2 to 4 used to say that she should bring Rs. 5,00,000/-from her parents for the repayment of the loan taken for purchasing the flat at Pune. On that count the applicants would keep her starved. The applicant No. 4 was taking education of B.Tec at Pune. In the month of December, 2016 the respondent No. 2 was sent back to her maternal place. She resided there till February, 2017. At that time, the brother of the respondent No. 2 requested the applicants to maintain the respondent No. 2 well. He had tried to convince all the applicants that he would not be able to pay Rs. 5,00,000/-, as his financial position is not sound. In the month of December, 2017, the respondent No. 2 had come to

Parbhani for appearing for the examination of a teacher. After 4 - 5 days she went back to her matrimonial place, but the applicants did not permit her to stay in the house and she was again sent back to her maternal place on the ground that she did not bring Rs. 5,00,000/-. At that time, she was slapped by the applicant No. 1 and they also pushed her brother out of their house. Thereafter, this FIR was lodged by the respondent No. 2 against the applicants.

5. Heard Shri. S.S. Shinde, the learned counsel for the Applicants, Smt. K.S. Patil, the learned A.P.P. for the Respondent No.1 and Shri. M.M.Parghane, the learned counsel for Respondent No.2 .

6. Shri Shinde, the learned counsel for the applicants argued that the real brother of the respondent No. 2 is serving in Police Department. He argued that the applicant No. 1 has filed a petition for divorce in the month of December, 2018 and this FIR has been filed immediately thereafter. The impugned FIR has been filed only to harass the applicants. The allegations in the FIR are vague in nature.

7. The learned APP for the Respondent/State and Shri Parghane, the learned counsel for the Respondent No. 2 argued that specific allegations are made against the applicants. The respondent No. 2 was subjected to ill-treatment for the unlawful demand of Rs. 5,00,000/- by the applicants.

8. When were not inclined to give relief to the applicant Nos. 1 to 3, the learned counsel for the applicant No. 1 to 3 sought permission to withdraw the application to the extent of applicant Nos. 1 to 3. Accordingly the permission was accorded.

9. On perusal of investigation papers and the FIR, it is seen that vague and omnibus allegations are made against the applicant No. 4. On the basis of these vague and omnibus allegations, it cannot be said that the FIR discloses the commission of a cognizable offence against the applicant No. 4. In this view of the matter, we are inclined to quash FIR to the extent of the applicant No. 4. The continuation of the prosecution against the applicant No.4 would be an abuse of the process of the Court. In view of this, following order is passed :

ORDER

- 1) Application of applicant Nos. 1 to 3 is disposed of as withdrawn.
- 2) Application of applicant No. 4 is allowed.
- 3) Relief is granted to her in terms of prayer clause 'C' and 'D'.
- 4) Rule is made absolute In those terms.

(M.G. SEWLIKAR, J.)

(T.V. NALAWADE, J.)