

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

CRIMINAL WRIT PETITION NO. 131 OF 2020

Sow. Kantabai W/o. Bapusaheb Ardad
Age : 42 years, Occu : Household & Agril.,
R/o. Raje Takali, Tq. Ghansawangi,
Dist. Jalna.

... PETITIONER

VERSUS

1. The State of Maharashtra
Through Police Inspector,
Bamani Police Station,
Tq. Jintur, Dist. Parbhani.
2. Smt. Preeti Sudhakar Tathe,
Age : 25 years, Occu : Household,
C/o Pandit s/o. Haribhau Gaikwad
R/o At Waghi, Tq. Jintur,
Dist. Parbhani.

.... RESPONDENTS

Shri. B. G. Londhe, Advocate for the petitioner
Shri. G. O. Wattamwar, APP for respondent No.1/State
Shri. S. R. Patil, Advocate for respondent No. 2.

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

DATED : 03-02-2021

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

1. Rule. Rule made returnable forthwith. At the stage of admission, heard finally with the consent of all the parties.
2. This is an application under Articles 226 and 227 of the Constitution of India and under Section 482 of the Code of Criminal Procedure for quashing of the First Information Report.

3. Respondent No. 2 lodged the FIR on 16/10/2015 alleging therein that she married Sudhakar Achyutrao Tathe on 15/02/2012. Petitioner is her sister-in-law (husband's sister). It is alleged that her husband, her father-in-law, her brother-in-law and his wife and distant father-in-law alongwith the petitioner started illtreating and harassing respondent No. 2. They started saying that she should bring Rs.50,000/- from her parents for purchasing motorcycle. They would illtreat her saying that she was good for nothing and used to abuse her. Finally she was driven out of the house because of her failure to bring Rs. 50,000/- from her parents. Accordingly, FIR came to be lodged on the basis of which offence under Sections 498A, 323, 504, 506 read with Section 34 of the IPC came to be registered against the petitioner.

4. Heard Shri. B. G. Londhe, learned counsel for the petitioner, Shri. G. O. Wattamwar, learned APP for respondent No.1/State and Shri. S. R. Patil, learned counsel for respondent No. 2.

5. On perusal of the FIR and the documents annexed with the petition it is seen that vague allegations are made against the petitioner. Span of marriage is of around 3 years. No specific act is attributed to the petitioner. No details of illtreatment are mentioned in the FIR. Therefore on the basis these vague allegations it cannot be said that any cognizable offence is made out against the petitioner. In the FIR itself the address of the petitioner is shown to be resident of Rajegaon Takali, Taluka Partur, District Parbhani. This clearly shows that petitioner is not the resident of matrimonial place of respondent No. 2. Having regard to this and having regard to the

fact that allegations against the petitioner are vague, it cannot be said that any cognizable offence is made out against the petitioner. In view of this, if prosecution is allowed to be continued against the petitioner, it would be an abuse of process of law. In this view of the matter petitioner's case is squarely covered by the parameters laid down by the Hon'ble Apex Court in the case of **State of Haryana Vs. Bhajanlal, AIR 1992, Supreme Court, 604.** We are therefore inclined to allow the petition. Hence the order.

ORDER

- (I) The petition is allowed. Relief is granted in terms of prayer clause (C)
- (II) Rule made absolute in those terms.

[M. G. SEWLIKAR, J.]

[T. V. NALAWADE , J.]