

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

**CRIMINAL APPLICATION NO. 559 OF 2019**

1. Sandip S/o Prakash Wagh,  
Age – 28 years, Occu – Labour,  
R/o. Shahagad, Taluka- Ambad,  
District – Jalna,
2. Prakash S/o Vishwnath Wagh,  
Age – 65 years, Occu – Nil,  
R/o Village Chandol,  
Taluka & District – Buldhana,
3. Savita W/o Prakash Wagh,  
Age – 55 years, Occu – Nil,  
R/o Village Chandol,  
Taluka & District – Buldhana,
4. Vijay S/o Prakash Wagh,  
Age – 55 years, Occu – Nil,  
R/o Village Chandol,  
Taluka & District – Buldhana,
5. Ravi S/o Daraji Ubale,  
Age – 31 years, Occu – Labour,  
R/o Ram-Mandir Lane,  
Shahagad, Taluka – Ambad,  
District – Jalna
6. Swati w/o Ravi Ubale,  
Age – 28 years, Occu – Service,  
R/o Ram-Mandir Lane,  
Shahagad, Taluka – Ambad,  
District – Jalna
7. Sumanbai W/o Daraji Ubale,  
Age – 51 years, Occu – Nil,  
R/o Ram-Mandir Lane,  
Shahagad, Taluka – Ambad,  
District – Jalna
8. Ayodhyabai W/o Bablu Motale,  
Age – 31 years, Occu – Labour,  
R/o Majalgaon, Taluka – Majalgaon,  
District Beed.

.... APPLICANTS

VERSUS

1. The State of Maharashtra  
Through Police Officer, Gondi Police Station,  
District – Jalna.
2. Sonali w/o Sandip Wagh,  
Age – 22 years, Occu – Labour,  
R/o. Village Ramasgaon,  
Taluka – Ghansangavi,  
District – Jalna.

.... RESPONDENTS

Shri. Sandip R. Andhale, Advocate for the applicants  
Shri. A. S. Shinde, APP for respondent No. 1  
Smt. S. E. Waghmare, Advocate for respondent No. 2

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

**DATED : 01-02-2021**

**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 for quashing of the First Information Report registered with the Police Station Gondi, District Jalna under Sections 498A, 323, 504 read with Section 34 and under Sections 3 and 4 of the Dowry Prohibition Act.
3. Facts giving rise to this application are that respondent No. 2 married applicant No. 1 on 09/05/2016.
4. Applicant No. 1 is the husband of respondent No. 2. Applicant No. 2 is the father-in-law, applicant No. 3 is the mother-in-law, applicant No. 4 is the brother-in-law of respondent No.2, applicant No. 5 is the husband of

applicant No. 6, applicant No. 6 is the sister-in-law of respondent No.2, applicant No. 7 is the mother and applicant No. 8 is the sister of applicant No. 5.

5. The allegations against the applicants are that respondent No. 2 was maintained well for a period of two years after marriage. Thereafter, they started illtreating and harassing respondent No. 2. They used to abuse her saying that she should bring Rs. 1 lakh from her parents as they wanted to start a hotel at Shahagad. She narrated these incidents to her parents. Her parents tried to convince the applicants, but the applicants continued their illtreatment. They used to keep her starved and used to beat her and finally they drove her out of the house on 13/11/2018. Aforesaid FIR came to be registered against the applicants.

6. Heard Shri. Sandip R. Andhale, learned counsel for the applicants, Shri. A. S. Shinde, learned APP for the respondent No. 1 and Smt. S. E. Waghmare, learned counsel for respondent No. 2.

7. When this Court expressed its disinclination to give any relief to applicant Nos. 1 to 4, learned counsel Shri. Andhale sought withdrawal of the application to their extent. So far as applicant Nos. 5 to 8 are concerned, general allegations are made against them. On the basis of these vague and general allegations, it cannot be said that any cognizable offence is made out against applicant Nos. 5 to 8. It is vaguely alleged that applicant Nos. 5 to 8 used to make unlawful demand of Rs. 1 lakh for starting a hotel at Shahagad. They used to instigate husband of respondent No. 2. Only

allegation against applicant Nos. 5 to 8 is that they would instigate husband of respondent No. 2 to beat her, they used to abuse her. What kind of abuses were hurled at her is not mentioned. Simply alleging that abuses were hurled at respondent No. 2 will not bring the same within the sweep of Section 498A of the Indian Penal Code. No details as regards time, date etc. are given. No specific act is attributed to any of the applicant Nos. 5 to 8. Therefore, the case of the applicants squarely falls within the conditions 1 and 3 as laid down by the Hon'ble Apex Court in the case of **State of Haryana Vs. Bhajanlal, AIR 1992, Supreme Court, 604**. In this view of the matter, continuation of prosecution would be an abuse of process of law. We are, therefore, inclined to allow the application to the extent of applicants Nos. 5 to 8. Hence following order is passed.

#### **ORDER**

1. The Criminal Application of applicant Nos. 1 to 4 is disposed of as withdrawn.
2. The Criminal Application of applicant Nos. 5 to 8 is allowed.
3. Relief is granted in favour of applicants No. 5 to 8 in terms of prayer clause 'B'.
4. Rule made absolute in those terms.

**[M. G. SEWLIKAR, J.]**

**[T. V. NALAWADE , J.]**