

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

CRIMINAL APPLICATION NO. 1532 OF 2019

1. Sanghpal S/o Abhimanyu Ingle,
Age: 37 years, Occ. Nil,
R/o: Opp. J. K. Traders, Sanja Road,
Osmanabad, Tq. & Dist. Osmanabad.
2. Minakshi W/o Abhimanyu Ingle,
Age: 59 years, Occ. Household,
R/o: Opp. J. K. Traders, Sanja Road,
Osmanabad, Tq. & Dist. Osmanabad.
3. Abhimanyu S/o Laxman Ingle,
Age: 65 years, Occ. Retired,
R/o: Opp. J. K. Traders, Sanja Road,
Osmanabad, Tq. & Dist. Osmanabad.
4. Dhammpriya W/o Ramesh Shitole,
Age: 33 years, Occ. Household,
R/o: At Post Kini, Tq. & Dist.
Osmanabad.
5. Dhammdipa W/o Kiran Mhaske,
Age: 30 years, Occ. Household,
R/o: At post Takli Dhoki, Tq. & Dist.
Osmanabad At Present R/o: Narayan
Darshan Housing Society, Waldhuni
West, Kalyan, Tq. Kalyan,
District. Thane.
6. Dhammjyoti W/o Dinkar Hande,
Age: 36 years, Occ. Household,
R/o: At post Yedenipani, Tq. Walva,
Dist. Sangli At present R/o Malad
West, Mumbai.

7. Dhammshila W/o Vidyasagar Misale,
Age: 33 years, Occ. Household,
R/o Shivaji Nagar, Kamlapur Road,
Waluj, Tq. Gangapur, Dist. Aurangabad. ... **Applicants**

Versus

1. The State of Maharashtra
Through the Police Officer,
Tuljapur Police Station,
Tq. Tuljapur, Dist. Osmanabad.
2. Pallavi W/o Sanghpal Ingle,
Age: 26 years, Occu. Household,
At Present R/o: Ayodhya Nagar,
Tuljapur, Tq. Tuljapur,
Dist. Osmanabad. ... **Respondents**

...
Advocate for Applicants : Mr. D.B. Bhange & More PP
APP for Respondent No.1-State : Mrs. V. N. Patil Jadhav
Advocate for Respondent No.2 : Mr. Y. B. Bolkar h/f. Mr. E.G. Irale
...

**CORAM : T.V. NALAWADE &
M.G. SEWLIKAR, JJ.**
DATE : 15.01.2021

JUDGMENT : (Per: *M.G. Sewlikar, J.*)

Rule. Rule is made returnable forthwith. Learned A.P.P and the learned advocate for the respondent no.2 waive service. With the consent of both the sides the matter is heard finally at the stage of admission.

2. By this application the applicants are seeking quashing of the FIR No.317 of 2018 under Section 498-A, 504 read with Section 34 of the I.P.C. registered with Tuljapur Police Station, District Osmanabad.

3. It is alleged in the FIR that respondent no.2 married applicant no.1 on 27.05.2018. Applicant no.1 is the husband of respondent no.2. Applicant no.2 is the mother, applicant no.3 is father and applicant nos.4 to 7 are the married sisters of applicant no.1.

4. It is further alleged in the FIR that she was maintained well for a period of four days including the date of marriage i.e. during the period from 27.05.2018 to 30.05.2018. During this period, all the applicants started abusing her on the ground of dowry. Ramesh Gaikwad, Shivaji Suryawanshi, Janak Ingle and others tried to effect settlement between the applicants and respondent no.2, but it did not yield any fruitful result. Therefore, as a last resort she filed the aforesaid FIR.

5. Heard Shri Bhange learned counsel for the applicants, Smt V.N. Patil Jadhav learned APP for the State and Shri Y.B. Bolkar h/f. E.G. Irale learned counsel for the respondent no.2.

6. Shri Bhangе submitted that the span of co-habitation is of only four days. He submitted that it is incomprehensible that the applicants would inflict cruelty soon after marriage. He submitted that respondent no.2 lived with the applicants only for our days i.e. from 27.05.2018 to 30.5.2018. He further submitted that applicant nos.4 to 7 are not the residents of the place in which applicant nos.1 to 3 are residing. He submitted that applicants are residents of Osmanabad whereas applicant nos.4 to 7 are living at different places. He submitted that this clearly shows that allegations against the applicants are false to the knowledge of respondent no.2. Learned counsel Shri Bolkar and Mrs Patil submitted that soon after marriage the respondent no.2 was subjected to cruelty. The cruelty was of such a magnitude that she had to leave the matrimonial place and take shelter with her parents. They submitted that respondent no.2. made efforts to effect settlement between applicants and respondent no.2 but the applicants did not give any response. Therefore she was left with no alternative than to lodge the FIR.

7. With the assistance of learned counsel for the applicants and respondents, we have gone through the contents of the FIR and the papers annexed with the application. Applicant nos.2 and 3 are the parents of applicant no.1. Applicant no.1 is the husband of respondent no.2. Applicant nos.1 to 3 are living together. It is alleged that soon after the marriage on the

ground of dowry she was subjected to ill-treatment. It is specifically alleged that applicant nos.1 to 3 inflicted cruelty on her. Therefore, so far as applicant nos.1 to 3 are concerned no case is made out for quashing of the FIR against applicant nos.1 to 3.

8. So far as applicant nos.4 to 7 are concerned the FIR itself mentions that applicant no.4 is the resident of Kini, Tq. & District Osmanabad. Applicant no.5 is the resident of Kalyan, District Thane. Applicant no.6 is the resident of Malad, Mumbai and applicant no.7 is the resident of Waluj, Tq.Gangapur, District Aurangabad. The only allegation against applicant nos.4 to 7 is that they abused respondent no.2 when they came to the matrimonial place of respondent no.2. This is a very vague allegation. No specific role is attributed to any of the applicants. A bald statement that she was abused is not enough to attract the provisions of Section 498-A of I.P.C. In the case of **Preeti Gupta and Anr. V/s. State of Jharkhand and Anr.; (2010) 7 Supreme Court Cases 667**, the Hon'ble Supreme Court has observed that there is a growing tendency to implicate as many relatives as possible. The case in hand is not an exception to what has been observed by the Hon'ble Supreme Court. On the basis of admitted position that applicant nos.4 to 7 are residing separately from applicant nos.1 to 3 and on the basis of vague and general allegations made against applicant nos.4 to 7, it cannot be said that any

cognizable offence is made out against them. If prosecution is allowed to be continued against applicant nos.4 to 7 it is unlikely that conviction would be recorded against applicant nos.4 to 7 and it will be sheer abuse of process of law. In this view of the matter, the case of the applicant nos.4 to 7 is squarely covered by condition 1 and 3 of **State of Haryana and Ors. V/s. Bhajan Lal and Ors.; AIR 1992 SUPREME COURT 604.**

9. In view of what is discussed herein-above, we are inclined to quash the FIR to the extent of applicant nos.4 to 7. Hence the following order is passed:

ORDER

- I) Application of applicant nos.1 to 3 is dismissed.
- II) Application of applicant nos.4 to 7 is allowed. Relief is granted in terms of prayer clause-C. Rule made absolute in those terms.

[M.G. SEWLIKAR, J.]

[T.V. NALAWADE, J.]