

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

CRIMINAL APPLICATION NO. 1858 OF 2019

1. Amit S/o Ramesh Patil,
Age: 28 years, Occ. Service,
2. Ramesh S/o Tukaram Patil,
Age: 60 years, Occ. Retired,
3. Sandya W/o Ramesh Patil,
Age: 55 years, Occ. Household,
4. Abhijit S/o Ramesh Patil,
Age: 21 years, Occ. Service,
Applicant Nos. 1 to 4
R/o. Mahavir River Valley, Wing No.4,
House No.404,
Kalyan (West), Dist: Thane.
5. Dhanraj S/o Rajaram Patil,
Age: 50 yrs, Occu: Service,
6. Dipali W/o Dhanraj Patil,
Age: 45 years, Occ. Household,
Applicant Nos. 5 to 6
R/o. Ashtavinayak Colony,
Shri. Nagar Bhusawal,
Dist. Jalgaon.

... **Applicants**

Versus

1. The State of Maharashtra
Through Bhusawal City Police Station,
Bhusawal.
2. Pratiksha W/o Amit Patil
Age: 22 years, Occu. Education,
R/o C/o Ravindra Madhav Chaudhari,

S. No. 299/1/B, Plot No.4,
Ashtavinayak Colony, Jalgaon Road,
Bhusawal, Dist: Jalgaon.

... Respondents
(Res. No.2-Orig. Informant)

...
Advocate for Applicants : Mr. S.S. Patil
APP for Respondent No.1-State : Mr. G.O. Wattamwar
Advocate for Respondent No.2 : Mr. K. D. Mote (Appointed)

...
CORAM : T.V. NALAWADE &
M.G. SEWLIKAR, JJ.
DATE : 12.01.2021

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 invoking the provisions of Section 482 of the Cr.P.C. seeking the relief of quashing of the FIR.

3. Respondent no.2 got married with applicant no.1 on 31.12.2018. Applicant no.2 is the father, applicant no.3 is the mother, applicant no.4 is the brother of applicant no.1. Applicant nos.5 and 6 are the mediators.

4. It is alleged in the FIR that respondent no.2 and her husband-applicant no.1 had been to Mahabaleshwar during the period from

05.01.2019 to 11.01.2019. On 18.01.2019 her maternal uncle Ashok Patil had come to take her back to her maternal place at Bhusawal, District Jalgaon. At that time applicant no.2 said to her that while returning she should bring Rupees Five Lakhs from her parents otherwise she should not come back. During co-habitation, she realized that applicant no.1 was physically weak. Therefore, it was difficult for her to lead entire life with him. Applicant nos.2 and 3 used to ask her to wash clothes after 12 in the night. Applicant no.4 used to sit in her room till late in the night and used to cause physical and mental ill-treatment. Applicant nos.5 and 6 tried to effect settlement. Applicants stated that parents of respondent no.2 would be required to pay at least Rupees Two Lakhs else they would not effect any settlement. Finally, she lodged the complaint with the Womens Redressal Cell on 26.02.2019 at Bhusawal. But since the settlement could not be effected, she lodged the FIR in question.

5. Heard Shri S.S. Patil learned counsel for the applicants, Shri G.O. Wattamwar learned APP for the State and Shri K.D. Mote learned counsel for the respondent no.2.

6. When this Court expressed its disinclination to grant any relief to applicant nos.1 to 3, Shri Patil learned counsel for the applicants sought

permission to withdraw the application to their extent. Permission was accordingly granted.

7. So far as the applicant nos.4 to 6 are concerned, it is seen that they do not live with applicant nos.1 to 3. Applicant nos.5 and 6 are not the relatives of the applicant nos.1 to 3. Prosecution under Section 498-A of the I.P.C. can be initiated only against the husband or the relatives of the husband. From the FIR it does not appear that applicant nos.5 and 6 are the relatives of the husband of respondent no.2. They are strangers to the family. They are the mediators. Therefore, continuation of prosecution against applicant nos.5 and 6 would be an abuse of process of law.

8. So far as applicant no.4 is concerned the only allegation against him is that applicant no.4 used to sit in the room of respondent no.2 late in the night. On the basis of such vague and general allegation, it cannot be said that any offence much less cognizable offence can be said to be made out against applicant no.4. In such circumstances continuation of prosecution would be an abuse of process of law. It has been consistently held by the Hon'ble Apex Court that there is a growing tendency to implicate as many relatives as possible. Having regard to this, continuation of prosecution would be a futile exercise. Hence the following order is passed:

ORDER

- I) Application of applicant nos.1 to 3 is disposed of as withdrawn.
- II) Application of applicant nos.4 to 6 is allowed. Relief is granted in terms of prayer clause-B. Rule made absolute in those terms.
- III) Fees of the appointed counsel is quantified @ Rs.4,000/- and it is to be paid through the High Court Legal Aid Services, Sub- Committee, Aurangabad.

[M.G. SEWLIKAR, J.]

[T.V. NALAWADE, J.]