

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

CRIMINAL APPLICATION NO. 2126 OF 2019

1. Smt. Radhabai w/o. Govindrao Bhadarge
Age : 69 years, Occ. Household,
R/o. Khairi Plot, Jintur, Tq. Jintur,
Dist. Parbhani.
2. Sandip s/o Govindrao Bhadarge
Age : 31 years, Occ. Service,
R/o. Doctor Lane, Near Bus stand,
Parbhani, Tq. & Dist. Parbhani
3. Smt. Sangita w/o. Phulaji Late
Age : 39 years, Occ. Household,
R/o. Vikas Nagar, Gangakhed
Tq. Gangakhed, Dist,. Parbhani
Presently residing at Khairi Plot,
Jintur, Tq. Jintur, Dist. Parbhani.
4. Smt. Sanjana @ Pinky w/o Santosh Zodpe
Age : 34 years, Occ. Household,
R/o. Tathagat Nagar, Parbhani,
Tq. & Dist. Parbhani.

.... APPLICANTS

VERSUS

1. The State of Maharashtra
Through the Police Station Nanalpeth
Parbhani, Dist. Parbhani.
2. Smt. Laxmi @ Revati w/o Sachin Bhadarge,
Age : 34 years, Occ. Household,
R/o. C/o. Bhivaji Gopalrao Paithane
Vaibhav Nagar, old Pedgaon Road,
Parbhani, Dist. Parbhani.

(Orig. Informant)
.... RESPONDENTS

Shri. Sudhir K. Chavan, Advocate for the applicants
Shri. B. V. Virdhe, APP for respondent No. 1/State
Shri. V. P. Kadam, Advocate for respondent No. 2.

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

DATED : 24-02-2021

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. By this application, the applicants have sought quashing of the FIR under Section 482 of the Code of Criminal Procedure bearing Crime No. 126 of 2019 registered with Nanalpeth Police Station, Parbhani for the offences punishable under Sections 498A, 323, 504, 506 read with Section 34 of the Indian Penal Code.
3. It is alleged in the FIR that respondent No. 2 married Sachin Govindrao Bhadarge on 19/12/2010. Applicant No. 1 is the mother-in-law, applicant No. 2 is the brother-in-law, applicant Nos. 3 and 4 are the married sisters-in-law of respondent No. 2.
4. It is alleged in the FIR that respondent No. 2 was maintained well for a period of two months after marriage. Thereafter she started saying that her son (husband of respondent No.2) is working as a constable in SRPF. She used to say that less dowry was given in the marriage and on that account she used to pass sarcastic remark at her. Applicant Nos. 3 and 4 also started harassing her on that count. They used to insult her every now and then. All the applicants started saying that she should bring Rs. 2,00,000/- for the construction of a house and on that count she was subjected to illtreatment. On these allegations FIR came to be lodged against the applicants as stated above.

5. Heard Shri. Sudhir K. Chavan, learned counsel for the applicants, Shri. B. V. Virdhe, learned APP for respondent No. 1/State and Shri. V. P. Kadam, learned counsel for respondent No. 2.

6. Shri. Chavan argued that vague and general allegations are made against applicants. He submitted that all the applicant Nos. 2 to 4 are residing separately from applicant No. 1. They have no concern with the alleged dispute between applicant No. 1 and respondent No. 2. He submitted that applicant No. 2 is employed in MSRTC at Parbhani. Applicant Nos. 3 and 4 are married sisters-in-law of respondent No. 2 and they are living with their respective husbands at their matrimonial places. Therefore no offence is made out against any of the applicants. He, therefore, prayed for quashing of the FIR.

7. Learned counsel Shri. Kadam for respondent No.2 submitted that specific allegations are made against all the applicants. Respondent No. 2 was subjected to illtreatment on account of non fulfillment of demand of dowry by applicant Nos. 1 to 4. She was subjected to severe illtreatment. Therefore she was constrained to file FIR against the applicants. He, therefore, prayed for dismissal of the application.

8. When this Court expressed its disinclination to grant any relief to applicant No.1, learned counsel Shri. Chavan for applicant No. 1 sought permission to withdraw application to his extent. Permission was accordingly granted.

9. So far as applicant No. 2 is concerned, the applicant No. 2 has produced on record the certificate indicating that he is working as an Assistant in MSRTC, Parbhani. So far as applicant Nos. 3 and 4 are concerned, they are not residing with applicant No. 1 and respondent No. 2. Applicant Nos. 2, 3 and 4 have produced on record the Aadhar card showing that applicant No. 3 is living at Gangakhed Road, Vikas Nagar, Parbhani. Aadhar card of applicant No. 4 shows that she is residing at Tathagat Nagar, Parbhani. This clearly shows that applicant Nos. 2 to 4 do not reside with applicant No. 1 and respondent No. 2. Moreover, allegations against them are general and vague in nature. On the basis of such vague allegations it cannot be said that any cognizable offence is made out against applicant Nos. 2 to 4. Continuation of prosecution on the basis of these vague and general allegations would be an abuse of process of law. Therefore the case of applicant Nos. 2 to 4 is covered by conditions 1 and 3 in the case of **State of Haryana Vs. Bhajanlal, AIR 1992, Supreme Court, 604**. On the basis of these vague and general allegations it cannot be said that there is any possibility of conviction being recorded against applicant Nos. 2 to 4. In this view of the matter we are inclined to allow the application to the extent of applicant Nos. 2 to 4.

10. Having regard to what is discussed hereinabove, we are inclined to quash the FIR to the extent of applicant Nos. 2 to 4. Hence the following order is passed.

ORDER

1. The Criminal Application for applicant No.1 is disposed of as withdrawn.

2. The Criminal Application of applicants No. 2, 3 and 4 is hereby allowed.
3. Relief is granted to them in terms of prayer clause "B".
4. Rule is made absolute in those terms.

[M. G. SEWLIKAR, J.]

[T. V. NALAWADE , J.]