

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

CRIMINAL APPLICATION NO. 2005 OF 2020

1. Sunita W/o Sunil Chavan,
Age: 38 years, Occ. Household,
R/o: Mathura Niwas, Gajanan Nagar,
Karegaon Road, Parbhani,
District Parbhani.
2. Sarla Somnath Bhopale,
Age: 40 years, Occ. Service as Teacher,
R/o. Madalmohi, Taluka Georai,
District Beed.
3. Dnyaneshwar Kashinath Sakhare,
Age: 44 years, Occ. Labourer,
R/o Morewadi, Chanai,
Taluka & District Beed.
4. Somnath Sheshrao Bhopale,
Age: 42 years, Occ. Gramsevak,
R/o At Post – Madalmohi,
Taluka Georai, District Beed.
At present posted at Neknur,
Taluka Neknur, District Beed.
5. Vijaykumar Namdeo Karpe,
Age: 61 years, Occ. Agriculture,
R/o Kolpimpri, Taluka Dharur,
District Beed.
6. Sunil Balasaheb Chavan,
Age: 46 years, Occ. Govt. Service,
R/o. Mathura Niwas, Gajanan Nagar,
Karegaon Road, Parbhani.
District Parbhani.

7. Shivaji Shankarrao Admane,
Age: 66 years, Occ. Nil,
R/o. Anjandoha, Taluka Dharur,
District Beed.

... **Applicants**

Versus

1. The State of Maharashtra,
Through Police Station Officer,
Vazirabad Police Station,
Vazirabad, District Nanded.
2. Surekha Ganesh Sakhare,
Age: 25 years, Occ. Household,
R/o. At present residing at
N.T.C. Mill House No.02-07-170,
Double Stori Chawl No.2,
Khadakpura Road, Nanded,
District Nanded.

... **Respondents**

...
Advocate for Applicants : Mr. Swapnil S. Rathi
APP for Respondent No.1/State : Mr. B.V. Virdhe
Advocate for Respondent No.2: Mr. U.B. Bilolikar
...

**CORAM : T.V. NALAWADE &
M.G. SEWLIKAR, JJ.**
DATE : 04.02.2021

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. This is an application under Section 482 of the Cr.PC. for quashing of the F.I.R.

3. Respondent no.2 married one Ganesh Sakhre on 10.03.2019. Applicant nos.1 and 2 are the sisters in law of respondent no.2. Applicant no.3 is the brother in law (husband's brother) of respondent no.2. Applicant no.4 is the husband of applicant no.2. Applicant no.5 is the maternal uncle of husband of respondent no.2. Applicant no.6 is the husband of applicant no.1 and applicant no.7 is the relative of husband of respondent no.2.

4. It is alleged in the FIR that soon after marriage the respondent no.2 was subjected to ill-treatment on flimsy grounds such as sofa, TV were not presented. Clothes of inferior quality were presented at the time of puja of satyanarayan in the marriage. The applicants started demanding Rupees Fifteen Lakhs for purchasing a four wheeler, sofa, TV etc. and started harassing the respondent no.2. On their instigation her husband used to beat and ill-treat her. Her husband did not perform his marital obligations and did not keep physical relations with her. In the last week of June her husband took her to Pali, District Raigad. At that place, her husband used to beat her by demanding Rupees Fifteen Lakhs to be brought from her parents. Thereafter, she and her husband came to Beed. Applicant no.1 came to Beed

on 20.07.2019 and picked up a quarrel with her. Her husband beat her at the instigation of applicant no.1. On 05.09.2019, her father, her maternal uncle Suryabhan Kshirsagar took her back to her maternal place. In the month of Diwali-2019, her father brought her to her maternal place and after two days sent her back to her matrimonial place for co-habitation. Her husband and applicants did not permit her to enter the house. On 17.03.2020, when her brother had come to Pali, in his presence her husband beat her. On these allegations FIR came to lodged on 07.08.2020 under Section 498-A, 323, 504, 506 read with Section 34 of the I.P.C.

5. Heard Shri Rathi learned counsel for the applicants, Shri B.V. Virdhe learned APP for the State and Shri Bilolikar learned counsel for the respondent no.2.

6. On perusal of the FIR, it is noticed that none of the applicants is residing at the matrimonial place of respondent no.2. All the applicants have produced their Aadhar cards. Aadhar card of applicant no.1 shows that she is the resident of Parbhani, Aadhar card of applicant no.2 shows that she is the resident of Madhalmohi, Tq. Georai, District Beed. Aadhar card of applicant no.3 shows that he is the resident of Morewadi Chanai Tq. & Dist. Beed, Aadhar card of applicant no.4 shows that he is the resident of Madhalmohi,

Tq. Georai, District Beed. Aadhar card of applicant no.6 shows that he is the resident of Parbhani. Aadhar card of applicant no.7 shows that he is the resident of Anjandoha, Tq. Dharur, District Beed. This shows that none of the applicants is the resident of matrimonial place of respondent no.2. Vague allegations are made against applicant nos.1 to 7. No specific act is attributed to any of the applicants. It is vaguely alleged that applicants used to instigate her husband to bring Rupees Fifteen Lakhs for purchasing a car and other articles. On the basis of these vague allegations, no cognizable offence can be made out against the applicants. No specific act is attributed to any of the applicants. Therefore, in terms of these allegations, it cannot be said that there is any possibility of conviction of applicants. In these circumstances, continuation of prosecution would be an abuse of process of law. In the case of **Kans Raj V/s. State of Punjab; 2000 (5) SCC 207**, the Hon'ble Supreme Court has observed that there is growing tendency to implicate the near and dear relatives of the husband. The case at hand is also not an exception to what the Hon'ble Supreme Court has observed in the above case. Despite not being the residents of the matrimonial place of respondent no.2, all the applicants who are staying far away are implicated in the FIR. In view of this and in view of vague and general allegations, it cannot be said that any cognizable offence is made out against the applicants. In this view of the

matter case of the applicants falls within the parameters laid down by the Hon'ble Supreme Court in the case of **State of Haryana and Ors. V/s. Bhajan Lal and Ors.; AIR 1992 SUPREME COURT 604**. Therefore, continuation of prosecution against the applicants would be an exercise in futility. Hence, we are inclined to quash the FIR in respect of all the applicants. Hence the following order is passed:

ORDER

- I) Application is allowed.
- II) Relief is granted in terms of prayer clause-C.

Rule made absolute in those terms.

[M.G. SEWLIKAR, J.]

[T.V. NALAWADE, J.]