

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

CRIMINAL APPLICATION NO. 3062 OF 2019

1. Rameshwar S/o Khushalrao Shivbhakt
Age: 33 years, Occ. Software Engineer,
R/o: Flat No. C-105, Ravi Karan Heights Building,
Pimple Gurav, Pune.
2. Khushalrao S/o Madhavrao Shivbhakt
Age: 58 years, Occ. Retired,
R/o: Flat No. C-105, Ravi Karan Heights Building,
Pimple Gurav, Pune.
3. Suman W/o Khushalrao Shivbhakt
Age: 53 years, Occ. Housewife,
R/o: Flat No. C-105, Ravi Karan Heights Building,
Pimple Gurav, Pune.
4. Dnyaneshwar S/o Khushalrao Shivbhakt
Age: 28 years, Occ. Software Engineer,
R/o: Flat No. C-105, Ravi Karan Heights Building,
Pimple Gurav, Pune.
5. Kalpana D/o Khushalrao Shivbhakt @ Kalpana W/o
Suryakant Raje
Age: 31 years, Occ. Govt. Teacher,
R/o: A-701, Ravi Karan Heights Building,
Pimple Gurav, Pune.
6. Mathurbai @ Parvati W/o Madhav Kangule
Age: 48 years, Occ. Housewife,
R/o: Dighi, Pune.
7. Laxmibai W/o Uttam Telang
Age: 50 years, Occ. Housewife,
R/o: Alandi, Pune.

8. Uttam S/o Rajaram Telang
Age: 60 years, Occ. Retired,
R/o: Alandi, Pune.
9. Laxman S/o Marotirao Telange
Age: 38 years, Occ. Teacher,
R/o: Ashoknagar, Mukhed, Tal Mukhed,
Dist. Nanded.
10. Anita W/o Dhondiba Telange
Age: 30 years, Occ. Housewife,
R/o: CIDCO, Nanded.

... **Applicants**

Versus

1. The State of Maharashtra
Police Station, Nanded Rural
Through its Police Inspector.
2. Anjali W/o Rameshwar Shivbhakt
Age: 27 years, Occ. Housewife,
R/o: Sambhaji Chowk,
CIDCO, Behind SBI Bank, Nanded.
(Original Informant)

... **Respondents**

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Advocate for Applicants : Mr. Suvidh S. Kulkarni h/f Mr. S. S. Wagh
APP for Respondent No.1/State : Mr. G. O. Wattamwar
Advocate for Respondent No.2: Mr. G.P Shinde

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**CORAM : T.V. NALAWADE &
M.G. SEWLIKAR, JJ.**
DATE : 18.01.2021

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. Respondent no.2 has filed FIR on 03.07.2019 alleging that she married applicant no.1 on 12.06.2017. Applicant no.2 is the father, applicant no.3 is the mother, applicant no.4 is the brother, applicant no.5 is the sister of applicant no.1. Applicant no.6 is the distant aunt of applicant no.1, applicant no.7 is the distant mother in law of respondent no.2. Applicant no.8 is the husband of applicant no.7, applicant no.9 is the brother in law and applicant no.10 is the cousin sister of applicant no.1.

3. Respondent no.2 was maintained well by the applicants for a period of eight days after marriage. Thereafter applicant nos.1 to 6 started saying that she was not good looking, that she is a bad cook and that they were not property honoured in the marriage. They used to demand Rupees Twenty Five Lakhs to be brought from her maternal place and upon failure of the same they used to beat her, punch her, slap her. They started keeping her starved and started passing sarcastic remarks at her. When she divulged to her parents about the ill-treatment, her father and brother came to meet the

applicants, applicants insulted them and drove them out of the house along with the respondent no.2. Since then she has been staying at her maternal place. On 30.06.2019 at the instance of applicant no.1, applicant nos.2, 3, 6, 7, 8, 9 and 10 came to her maternal place and asked her to give divorce to applicant no.1. They beat the respondent no.2., her father, her brother and brother in law, therefore she has lodged the FIR referred to above.

4. Heard Shri Suvidh Kulkarni h/f. Shri S.S. Wagh learned counsel for the applicants, Shri G.O. Wattamwar learned APP for the State and Shri G.P. Shinde learned counsel for the respondent no.2.

5. On perusal of the FIR it is noticed that the respondent no.2 has alleged ill-treatment of two kinds. That the applicants used to alleged that she was not good looking and she is a bad cook. They made unlawful demand of Rupees Twenty Five Lakhs for purchasing a flat and used to ill-treat and harass on account of her failure to bring the said amount.

6. Respondent no.2 has vaguely alleged that all the applicants used to say that she was not good looking and asked her to bring Rupees Twenty Five Lakhs from her parents for purchasing a flat. On close scrutiny of the FIR it does not appear that any specific act is attributed to any of the applicants. The details of ill-treatment as regards time, date are not mentioned. An

omnibus statement is made that she was subjected to ill-treatment on account of her failure to bring Rupees Twenty Five Lakhs.

7. Another instance quoted of ill-treatment is dated 30.06.2019. On 30.06.2019 applicant nos.2, 3, 6, 7, 8, 9 and 10 went to the maternal place of the respondent no.2 and all of them abused her for not bringing Rupees Twenty Five Lakhs. These are all vague allegations as details as regards time and date are not mentioned. Therefore, on the basis of vague allegations it cannot be said that any offence is made out against the applicant nos.4 to 10. On the basis of these vague allegations there is no possibility of conviction being recorded against applicant nos.4 to 10. It is pertinent to note that so far as incident of 30.06.2019 is concerned it is not the allegation of respondent no.2 that applicant no.4 had accompanied the other applicants. Therefore, there is no participation of applicant no.4 in the so called ill-treatment dated 30.06.2019 meted out to the respondent no.2.

8. Moreover, applicant nos.4 to 10 do not live at the place of applicant nos.1 to 3. Applicant no.4 is an Engineer. Respondent no.2 has filed application under the Domestic Violence Act against the applicants. In this application, applicant no.6 is shown to be the resident of Tq. Poladpur, District Raigad, applicant no.7 and 8 are shown to be the residents of Bamni, Tq.

Kandhar, District Nanded. Applicant no.9 is the resident of Tq. Mukhed, District Nanded. Applicant no.10 is the resident of Nanded. Even in the FIR the address of applicant nos.7 and 8 is shown to be of Bamni, Tq. Kandhar, District Nanded and applicant no.9 is shown to be of Mukhed, District Nanded and applicant no.10 of Cidco, Nanded. Applicant nos.1 to 3 are residents of Pune. Having regard to all this and more particularly vague allegations made by respondent no.2 against applicants it cannot be said that any cognizable offence is made out against applicant nos.4 to 10. Therefore, continuation of prosecution would be an exercise in futility. We are, therefore, inclined to quash the FIR to the extent of applicant nos.4 to 10.

9. When we expressed our disinclination to grant any relief to applicant nos.1 to 3, learned counsel Shri Kulkarni sought permission to withdraw the application to the extent of applicant nos.1 to 3. Permission was accordingly granted.

10. For the aforesaid reasons 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 10 is allowed.

Relief is granted in terms of prayer clause-B1. Rule made absolute in those terms.

[M.G. SEWLIKAR, J.]

[T.V. NALAWADE, J.]