

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR**

CRIMINAL APPLICATION (APL) NO.473 OF 2020

1. Sanjay S/o Manoharrao Luthade,
Aged about 48 years,
Occupation : Private work,
R/o. The Empyrean Township,
Phase-1, Gumgaon, Nagpur,
Tah. & Dist. Nagpur.
2. Sharda W/o Deepak Luthade,
Aged about 45 years,
Occupation : Household,
3. Sharddha D/o Deepak Luthade,
Aged about 22 years,
Occupation : Education,

Nos.2 and 3 R/o Naginabag Ward,
In front of Hislop College,
Chandrapur, Tah. and District -
Chandrapur.

... **APPLICANTS**

// VERSUS //

1. The State of Maharashtra,
through Police Station Officer,
Police Station Ramnagar,
Chandrapur, Dist. Chandrapur.
2. Sau. Suvarna W/o Sanjay Luthade,
Aged about 40 years,
Occupation : Private Work,
R/o Manohar Kunj, Naginabag
Ward, In Front of Hislop College,
Chandrapur, Tah. and District -
Chandrapur.

... **NON-APPLICANTS**

Shri D. V. Mahajan, Advocate for applicants.

Shri S. P. Deshpande, Additional Public Prosecutor for Non-
applicant No.1.

CORAM: Z.A. HAQ & AMIT B. BORKAR, JJ.
DATED : 18/03/2021.

ORAL JUDGMENT : (PER AMIT B. BORKAR, J.)

1. Rule. Rule made returnable forthwith.
2. By this application under Section 482 of the Code of Criminal Procedure, the applicants have challenged registration of First Information Report No.73/2020 filed under Sections 498-A and 506 read with Section 34 of the Indian Penal Code registered with the non-applicant no.1 – Police Station.
3. The First Information Report came to be registered with the accusation that the marriage between the applicant no.1 and the non-applicant no.2 was performed on 1.7.2006. It is further alleged that after the period of two years, the applicant no.1 started physically and mentally harassing the non-applicant no.2. It is further alleged that the applicant no.2 (sister-in-law) and the applicant no.3 (daughter of the applicant no.2) provoked the applicant no.1 to doubt the character of the non-applicant no.2 and used to physically and mentally harassed the non-applicant no.2. Therefore, the impugned First Information Report came to be lodged against the applicants.

4. The applicants have, therefore, challenged registration of the First Information Report by filing present application. On 30.09.2020, this Court issued notice to the non-applicants. The record shows that the non-applicant no.2 is served with notice of this application before 28.9.2020. The non-applicant no.2 though served has not appeared either personally or through Advocate in the present proceedings.

5. We have carefully considered the allegations in the First Information Report. The applicant no.2 is sister-in-law of the non-applicant no.2 and the applicant no.3 is daughter of the applicant no.2. It appears from the record that the applicants are residing at Nagpur alongwith the applicant no.1 at least for last three years. The non-applicant no.2 resides at Chandrapur. The applicant no.1 is staying with his son and daughter at Nagpur. Applicant no.1 husband has filed several non cognizable complaints against non-applicant no. 2 from the year 2014 onwards. On careful consideration of the allegations in the First Information Report, it appears that the allegations made against the applicants are vague in nature. It also appears from the material on record that there is delay of more than two years in filing First Information Report. The allegations against the

applicant nos.2 and 3 are vague. We are, therefore, satisfied that the continuation of the proceedings against the applicants would amount to abuse of process of Court. We, therefore, pass the following order:

ORDER

First Information Report vide Crime No.73/2020 dated 20.01.2020 for the offences punishable under Sections 498-A and 506 read with Section 34 of the Indian Penal Code registered with the non-applicant no.1- Police Station is quashed and set aside.

Rule is made absolute in the aforesaid terms.

JUDGE

JUDGE

Ambulkar