

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

CRIMINAL WRIT PETITION NO. 123 OF 2021

Kishor Shamsundar Adhapure
and others

.. Petitioners

Versus

The State of Maharashtra and another .. Respondents

Shri Rajesh H. Mewara, Advocate for the Petitioners.

Shri S. B. Yawalkar, Addl.P.P. for the Respondent No. 1.

Ms. Om Maheshwari Jadhav, Advocate for the Respondent No. 2
(appointed).

**CORAM : MANGESH S. PATIL AND
SANDEEP V. MARNE, JJ.**

DATE : 06.10.2022.

FINAL ORDER :

. The petitioners are seeking quashment of criminal case filed by the respondent No. 2 for the offences punishable under Section 498-A, 323, 504 and 506 read with Section 34 of the Indian Penal Code.

2. After hearing both the sides, when we expressed our disinclination to allow the writ petition to the extent of petitioner Nos. 1, 2 and 3, the learned advocate for the petitioners on instructions seeks leave to withdraw the petition to their extent.

3. So far as role attributed to the petitioner Nos. 4 and 5 is concerned, they are the brother-in-law and married sister-in-law

of the respondent No. 2. Though their names are appearing in the F.I.R., no specific role is attributed to them exclusively. They have been referred along with other petitioners for all the allegations attributed by the respondent No. 2 regarding demand for money and subjugation to cruelty.

4. Even in the statements of the parents, brother and sister of the respondent No. 2 recorded U/Sec. 161 of the Code of Criminal Procedure, they have come with vague allegations against the respondent Nos. 4 and 5. Without going into the aspect of the variance of main allegations in the FIR and the one appearing in the complaint filed by the respondent No. 2 with the Women's Grievance Cell, it is clearly apparent that the petitioner Nos. 4 and 5 are being roped in along with other petitioners in all probability being the relatives of the petitioner No. 1, who is husband of the respondent No. 2. Relying upon the decision in the matter of **State of Haryana Vs. Bhajan Lal and others** reported in **1992 AIR 604**, in our opinion, allowing the petitioner Nos. 4 and 5 to defend such a vague and omnibus charge would be an abuse of process of law. We therefore allow the petition to the extent of petitioner Nos. 4 and 5.

5. The writ petition is partly allowed. The First Information Report and subsequent criminal case registered on that basis roping in petitioner Nos. 4 and 5 for the offences punishable under Section 498-A, 323, 504, 506 r/w Sec. 34 of the Indian Penal Code in Cr. No. 323/2020 registered with Chaklamba

Police Station is quashed and set aside to their extent.

6. The writ petition to the extent of petitioner Nos. 1 to 3 is dismissed as withdrawn.

7. Ms. Om Maheshwari Jadhav is appointed by the Court to represent the respondent No. 2. We quantify her fees at Rs. 3,000/- (Rs. Three thousands only).

[SANDEEP V. MARNE, J.]

[MANGESH S. PATIL, J.]

bsb/Oct. 22