

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

CRIMINAL APPLICATION NO. 632 OF 2022

1. Atmaram Narayan Mule, (Father-in-law)
Age : 53 Years, Occu. : Agri.,
R/o. At Post Limba Ganesh
Taluka & Dist. Beed.
2. Daivashali W/o Atmaram Mule (Mother-in-law)
Age : 50 Years, Occu. : Household,
R/o. At Post Limba Ganesh
Taluka & Dist. Beed
3. Shivram Atmaram Mule (Brother-in-law)
Age : 24 Years, Occu. : Education,
R/o. At Post Limba Ganesh
Taluka & Dist. Beed.
Presently R/o. Sur. No.38/39,
Sopan Bag, Matoshri – Niwas,
Chinchwade Nagar, Pune.
4. Sanjay Atmaram Mule (Brother-in-law)
Age : 30 Years, Occu. : Govt. Service,
R/o. Sur. No. 38/39, Sopan Bag,
Matoshri – Niwas, Chinchwade Nagar,
Pune.
5. Ashvini Sanjay Mule (Wife of brother-in-law)
Age : 25 Years, Occu. : Household,
R/o. Sur. No.38/39, Sopan Bag,
Matoshri-Niwas, Chinchwade Nagar,
Pune.

... Applicants.
(Orig. Accused)

Versus

1. The State of Maharashtra,
Through Police Station Officer,
Ambad Police Station, Ambad
Taluka : Ambad, District : Jalna

2. Priyanka W/o Samadhan Mule
@ Priyanka D/o Laxman Munjal,
Age : 28 Years, Occu.: Household,
R/o. Limba Ganesh
Taluka & Dist. Beed,
Presently R/o. Raut Nagar, Nutan Vasahat,
Ambad, Tq. Ambad & Dist. Jalna

... Respondents
(Orig.Complainant)

...

Mr. Shrimant Mundhe, Advocate for Applicant.
Mr. S. J. Salgare, APP for Respondent No.1-State.
Mr. R. V. Gore, Advocate for Respondent No.2.

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**CORAM : SMT. VIBHA KANKANWADI AND
ABHAY S. WAGHWASE, JJ.**

DATE : 02nd DECEMBER 2022

JUDGEMENT (ABHAY S. WAGHWASE, J.) :

1. Father-in-law, mother-in-law, brothers-in-law and wife of one brother-in-law of respondent No.2 - Priyanka Mule, by invoking section 482 of Cr.P.C., have prayed for quashing crime bearing No. 685 of 2021 and the consequential criminal proceeding bearing R.C.C. No.76 of 2022.

Brief background of the case

2. Respondent No.2-Priyanka Mule approached Ambad Police Station informing about her marriage with non applicant – Samadhan on 11.01.2019. According to her, because of minor quarrel she and her husband went to Pathankot at Punjab, but after going there, her husband used to consume liquor and taunt her that she did not do any work. She was

continuously beaten, abused and subjected her to mental cruelty. She alleges that her father-in-law approached her father complaining that since marriage his son is not meeting his financial needs. She has alleged that her mother-in-law, brothers-in-law and wife of brother-in-law also complained that since marriage husband was not sending money to them and were instigating him to leave her. She has also alleged that they instigated him continuously and her husband put up a demand of Rs.2,0,0000/- as an amount towards unpaid dowry. With such allegations, she lodged FIR and on the strength on the same, police registered crime bearing no.0685 of 2021 for above offences.

3. Parents-in-law, brothers-in-law and one sister-in-law are seeking nullification and quashment of the said FIR and the charge-sheet that followed by invoking section 482 of Cr.PC.

4. As inherent powers of this Court under section 482 of Cr.PC. are invoked, law on this point is required to be briefly discussed as to when such powers can be exercised.

As to when powers under Section 482 of Cr.PC. can be exercised is fairly settled by slew of judgments including *Inder Mohan Goswami and Anr. Vs. State of Uttaranchal and Ors. ; (2007) 12 SCC 1* and *Mahendra K.C. Vs. State of Karnataka and Another ; (2022) 2 Supreme Court Cases 129*.

5. In the light of above settled legal position if we visit the complaint

in hand, it is emerging that marriage of non applicant – husband and respondent No.2 was performed in the year 2019. On going through the entire FIR, initially it seems that on the count of marital discord in the house, respondent No.2 and her husband shifted to Pathankot. There, she alleges that her husband used to consume liquor and taunt her for not delivering child. It is seen that allegation against present applicant no.1 is that he approached her father complaining that after marriage his son, i.e. non-applicant husband is neglecting to provide financial assistance to him and consequently, her father was subjected to mental cruelty. In our considered opinion, such behavior of applicant no.1 herein (father-in-law) has nothing to do with the ill-treatment or maltreatment alleged to be meted out to respondent no.2. By no stretch of imagination such allegations can be connected to section 498-A of IPC. As regards to allegations against rest of the applicants are concerned, it is clear that allegations are only of the nature that they used to continuously telephone her husband for not sending money to them and that respondent no.2 is not delivering child. It is alleged that on telephone they used to poison his mind and as a result, he getting used to get drunk and ill treated and abused her. Annoyance of applicant no.1 (father-in-law) for making demand by husband of Rs.2,00,000/- also has no direct nexus with the nature of offence alleged to have been committed.

6. Above discussed material which is an outcome of analysis of FIR,

here, we find that allegations are very general in nature. Discord on minor count of husband failing to provide for financial needs to applicant no.1 (father-in-law) and rest of the family members cannot be brought in the ambit of section 498-A of IPC. Sweeping allegations are made against applicants herein regarding mere instigation on phone without giving its details as to when it happened. It is unsafe to consider such material to be sufficient to launch prosecution against the applicants.

7. Respondent No.2 and non applicant-husband are apparently residing at a far away place. Taking into account above discussed material which is emerging from the record before us, in our considered opinion, making applicants herein face trial would render and expose them to injustice. No fruitful purpose would be served to make them face prosecution with such quality and degree of allegations. After going through the charge-sheet, the statements under Section 161 of Cr.P.C. are found to be stereotype and monotonous in nature.

8. In the recent case of ***Kahkashan Kausar alias Sonam and others v. State of Bihar and others*** ; (2022) 6 SCC 599, the Hon'ble Apex Court in para 18 has held that there is growing tendency to rope in entire family, including distant relatives. The case in hand is also found to be similar one. General, non-specific and sweeping allegations are levelled against one and all.

Therefore, in our considered opinion, in view of the principles laid down in the case of *State of Haryana and others v. Ch. Bhajan Lal* ; AIR 1992 SC 604, more particularly clause (7) as reflected in para 108 of the judgment, the case in hand is also of similar nature. Continuation of such proceeding would render injustice to all the applicants who had no direct concern with the informant or her domestic affairs.

9. Resultantly, finding it a fit case for exercise of powers under section 482 of Cr.P.C., we are inclined to allow the application. Hence, we proceed to pass the following order :-

ORDER

- i) The application is allowed.
- ii) Crime vide FIR No.0685 of 2021 registered with Ambad Police Station, Dist. Jalna, for the offences punishable under sections 498-A, 323, 504, 506 read with Section 34 of the IPC and the consequential charge-sheet vide R.C.C. No.76 of 2022, pending on the file of Judicial Magistrate First Class at Ambad, are quashed and set aside.

(ABHAY S. WAGHWASE, J.)

(SMT. VIBHA KANKANWADI, J.)