

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD

972 CRIMINAL APPLICATION NO. 826 OF 2022

ADINATH S/O TRIMBAK DIVEKAR AND OTHERS  
VERSUS  
THE STATE OF MAHARASHTRA AND ANOTHER

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Advocate for Applicants : Mr. Rahul A. Tambe  
APP for Respondent No. 1 : Mr. S. D. Ghayal  
Advocate for Respondent No.2 : Mr. U. S. Patil  
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**CORAM : MANGESH S. PATIL AND  
ABHAY S. WAGHWASE, JJ.**

**DATED : 19 OCTOBER 2022**

**PER COURT :-**

1. We have heard learned Advocate for the applicants, the learned APP and the learned Advocate for respondent no.2.
2. The applicants are seeking quashment of a criminal case initiated on the basis of an FIR lodged by respondent no.2 for the offences punishable under Sections 498-A, 323, 504, 506 r/w 34 of IPC. The husband is not before us. The applicant nos. 1 and 2 are the parents-in-law, applicant no.3 is the brother-in-law and applicant no.4 is the maternal uncle of husband of respondent no.2. When we expressed our disinclination to grant any relief to the applicant nos. 1 and 2 on merits, learned Advocate for the applicants, on instructions, seeks leave to withdraw the application to their extent.

3. The observations in the oft-quoted decisions of the Supreme Court in the matters of **Geeta Mehrotra and another v. State of U.P. and another ; AIR 2013 SC 181** and **Preeti Gupta and another v. State of Jharkhand and another ; AIR 2010 SC 3363**, are squarely applicable to the matter in hand *qua* the applicant nos. 3 and 4.

4. Going by the FIR and the statements of the parents of respondent no.2 and the other witnesses, the allegations regarding ill-treatment, physical as well as mental, are basically attributed to the husband and the parents-in-law. No specific and precise role is attributed to the applicant nos. 3 and 4. Vague and omnibus allegations have been levelled by incorporating their names and suggesting that they were instigating the husband and the parents-in-law to subject her to ill-treatment. In our considered view, it would be a sheer abuse of the process of law if the applicant nos. 3 and 4, who are distant relatives, are allowed to be prosecuted on the basis of such vague allegations. The case does fall under the guidelines laid down by the Supreme Court in the case of **State of Haryana and others v. Ch. Bhajan Lal and others ; AIR 1992 SC 604**.

5. We allow the application partly. The FIR No. 268 of 2019 (Crime No. 183 of 2019) registered with Deopur Police Station,

District Dhule for the offence punishable under Sections 498-A, 323, 504, 506 r/w 34 of IPC and the consequent criminal case baring Regular Criminal Case No. 127 of 2020 pending on the file of learned Judicial Magistrate First Class, Dhule, to the extent of applicant nos. 3 and 4, is quashed and set aside.

6. The application to the extent of applicant nos. 1 and 2 is dismissed as withdrawn.

**[ABHAY S. WAGHWASE, J.]**

**[MANGESH S. PATIL, J.]**

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