

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

CRIMINAL APPLICATION NO.1040 OF 2022

**SAGAR PANDURANG GANGAWARE AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER**

...

Advocate for Applicants : Mr. S. S. Thombre
APP for Respondent – State : Mr. S. P. Tiwari
Advocate for Respondent No.2 : Mr. S. P. Katneshwarkar

...

**CORAM : MANGESH S. PATIL AND
ABHAY S. WAGHWASE, JJ.**

DATED : 09 NOVEMBER 2022

PER COURT :

Petitioners are seeking quashment of crime registered at the instance of respondent No.2 being Crime No. 124 of 2022 with Police Station Vivekanand Chowk, Latur, for the offences punishable under section 498(A), 323, 504 read with 34 of Indian Penal Code.

2. The application to the extent of applicant No.1 was allowed to be withdrawn and was accordingly dismissed on 5 April 2022.

3. After having heard both the sides extensively, when we expressed our disinclination to entertain the application even to the extent of applicant Nos.2 and 3, who are the parents-in-law of respondent No.2, the learned advocate seeks leave to withdraw the application even to their extent.

4. Leave is granted. The application to the extent of applicant Nos.2 and 3 is dismissed.

5. So far as applicant Nos.4 and 5 are concerned, they are the brother-in-law, sister-in-law of respondent No.2 and the applicant No.6 is the paternal uncle of applicant No.1 husband.

6. We have carefully gone through the rival submissions and the papers. The couple got married in the year 2019 and it is alleged that since inception there was demand of money for purchasing a flat and respondent No.2 was subjected to physical and mental harassment on that count. However conspicuously, no specific and exclusive allegations have been imputed to the applicant Nos.4 to 6. Their names do appear in the FIR, but they have been referred to collectively along with the other applicants. Obviously, if they are relatives of the husband, at least the brother-in-law and the sister-in-law must have been residing in the same household. If the duration since the date of marriage till filing of the FIR is considered, there could have been specific and precise allegations against applicant Nos.4 to 6 at least while putting up a grievance in writing with the grievance cell or in the telephonic conversation and the exchange of text messages between the couple which is produced on record along with the affidavit-in-reply. Though there is reference to the conduct of the husband and the parents-in-law, even the learned advocate for

respondent No.2 could not point out any specific and exclusive allegations against applicant Nos.4 to 6 either in the complaint made to the grievance cell or in the text messages or even in the notice served to the husband on her behalf by her learned advocate.

7. Time and again, the Hon'ble Supreme Court had an occasion to deal with similar kind of matters arising out of a matrimonial dispute and had noticed the usual tendency of the deserted wife to rope in as many relatives of the husband as possible. This seems to be a kind of the case which would fit in those observations in the matters of *Geeta Mehrotra Vs. State of U.P.; (2012) 10 SCC 741* and *Neelu Chopra Vs. Bharti; (2009) 10 SCC 184*. It would be a sheer abuse of the process of law, as is contemplated by the Supreme Court in the matter of *State Of Haryana and Ors. Vs. Bhajan Lal; AIR 1992 SC 604*, if the applicant Nos.4 to 6 are made to face the prosecution based on such vague and omnibus allegations.

8. The application to the extent of applicant Nos.4 to 6 is therefore allowed and the FIR and the crime to their extent is quashed and set aside.

9. Liberty granted to applicant Nos.1, 2 and 3 to apply for discharge.

(ABHAY S. WAGHWASE, J.)

(MANGESH S. PATIL, J.)