

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

CRIMINAL WRIT PETITION NO.452 OF 2022

1. Sagar Jaysing Patil,
Age : 30 years, Occu: Service,
R/o. Sai Krupa Colony, Plot No.174,
Near Vidyawardhini College, Sakri Road,
Dhule, Dist. Dhule, Presently residing at,
Flat No.24, Apurva Apartment, Near Six Sigma
Hospital, Mahatma Nagar, Nashik, Dist. Nashik.
 2. Jaysing Pundalik Bhamare (Patil),
Age: 60 years, Occu: Service (Security),
R/o. Sai Krupa Colony, Plot No.174,
Near Vidyawardhini College, Sakri Road,
Dhule, Dist. Dhule.
 3. Bharati Jaysing Bhamare,
Age : 50 years, Occu: Household,
R/o. Sai Krupa Colony, Plot No.174,
Near Vidyawardhini College, Sakri Road,
Dhule, Dist. Dhule.
 4. Ajay Dattatray Salunkhe
Age: 38 years, Occu: Service,
R/o. Shivshakti Chuk, Navjeevan Day School,
CIDCO, Trimurti Chowk, Nashik, Dist. Nashik.
 5. Yogita Ajay Salunkhe
Age: 32 years, Occu: Service,
R/o. Shivshakti Chuk, Navjeevan Day School,
CIDCO, Trimurti Chowk, Nashik, Dist. Nashik.
 6. Sunil Pandurang Pawar,
Age: 44 years, Occu: Service,
R/o. Plot No.6, Laxminarayan Nagar, Near
Kamnath Mahadev Mandira, Nadurabar, Dist.
Nandurbar.
 7. Madhavi Sunil Pawar,
@ Madhuri Vilas Shinde
Age : 42 years, Occu: Service,
R/o. Plot No.6, Laxminarayan Nagar, Near
Kamnath Mahadev Mandira, Nadurabar, Dist.
Nandurbar.
- ... **PETITIONERS**

VERSUS

1. The State of Maharashtra
through Amalner Police Station,
Amalner, Dist. Jalgaon

2. Sayali Sagar Patil,
Age: 26 years, Occu: Household,
R/o. Radhakrushna Nagar, Plot No.42,
Pimpale Road, Amalner, Dist. Jalgaon. ... **RESPONDENTS**

...
Advocate for petitioners: Mr. Chetan T. Jadhav
APP for Respondent No.1/State : Mr. G.O. Wattamwar
Advocate for respondent No.2 : Mr. Ravindra M. Deshmukh

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

DATE : 11.11.2022

ORDER (MANGESH S. PATIL, J.) :

The petitioners are invoking the powers of this Court under Article 226 of the Constitution of India and Section 482 of the Code of Criminal Procedure for quashment of the FIR No.473/2021 registered with Amalner Police Station, District Jalgaon for the offence punishable under Section 498-A, 323, 504 and 506 of the Indian Penal Code and the subsequent criminal case being R.C.C. No.60/2022 pending on the file of the learned J.M.F.C. Amalner.

2. The petition to the extent of petitioner No.1 who is husband of the respondent No.2 was dismissed as withdrawn on 20.04.2022.

3. After hearing the arguments of both the sides when we expressed our disinclination to grant any relief even to the petitioners Nos.2 and 3 who are the parents-in-law of the respondent No.2, their learned advocate, on instructions, seeks leave to withdraw the petition even to their extent.

4. Leave is granted and the petition to the extent of petitioners Nos.2 and 3 is dismissed as withdrawn.

5. Learned advocate Mr. Jadhav for the petitioners would submit that the allegations against the petitioners Nos.4 to 7 are vague and omnibus. The brother-in-law, sister-in-law, paternal uncle and his wife have been falsely implicated. No specific role is attributed to them. Though their names appear in the FIR, they have been collectively referred to along with the other petitioners. He would place reliance on the decision of the Supreme Court in the matter of **Kahkashan Kausar alias Sonam and Ors.; (2022) 6 SCC 599.**

6. The learned APP and the learned advocate for the respondent No.2 strongly oppose the petition even to the extent of petitioners Nos.4 to 7. They submit that there are specific and precise allegations to demonstrate as to how they had taken part in subjecting the respondent No.2 to cruelty. There are allegations about demand of money and also about the respondent No.2 having been subjected to cruelty so as to compel her to meet their demand. They would submit that the facts before the Supreme Court in the matter of **Kahkashan Kausar alias Sonam** (supra) are distinguishable. They lastly submit that the prosecution deserves to be given sufficient opportunity to substantiate the allegations which can happen during trial and the petition even to the extent of petitioners Nos.4 to 7 be rejected.

8. We have carefully considered the rival submissions and perused the papers. As is indicated herein above, we are called upon to consider the petition only to the extent of the petitioners Nos.4 to 7.

9. Though their names appear in the FIR and even in the notice served by the respondent No.2 through her advocate, the allegations against them are far from being concrete and specific. All the while attempt has been made to address them collectively with the rest of the petitioners while levelling the allegations regarding demand and alleged cruelty. No specific and precise allegations have been levelled against any of them.

10. Conspicuously the couple was married on 30.05.2019 and going by the allegations in the FIR and the notice, the couple had indulged in some dispute or the other elaborately narrated therein. All the allegations have been levelled against the husband and the parents and describing in detail the reasons for the discord between the couple. However, except collectively addressing the petitioners Nos.4 to 7 about having taken part in instigating the husband and the parents-in-law to raise demand for money, there are no specific allegation about they having indulged in actually treating the respondent No.2 with cruelty.

11. In our considered view, there is a startling similarity in the nature of vague and omnibus allegations as were levelled even in the complaint in the matter of **Kahkashan Kausar alias Sonam** (supra). Following observations of the Supreme Court in paragraph No.18 are conspicuous and govern the case even in the matter in hand :

“18. Coming to the facts of this case, upon a perusal of the contents of the FIR dated 1-4-2019, it is revealed that general allegations are levelled against the appellants. The complainant alleged that “all accused harassed her mentally and threatened her of terminating her pregnancy”. Furthermore, no specific and distinct

allegations have been made against either of the appellants herein i.e. none of the appellants have been attributed any specific role in furtherance of the general allegations made against them. This simply leads to a situation wherein one fails to ascertain the role played by each accused in furtherance of the offence. The allegations are, therefore, general and omnibus and can at best be said to have been made out on account of small skirmishes. Insofar as husband is concerned, since he has not appealed against the order of the High Court, we have not examined the veracity of allegations made against him. However, as far as the appellants are concerned, the allegations made against them being general and omnibus, do not warrant prosecution.”

12. In our considered view, attempt has been made to rope in the relatives of the husband like the petitioners Nos.4 to 7 without their being sufficient and cogent reasons. It would be sheer abuse of the process of law to make them face the prosecution with such vague allegations not only in the FIR and the notice but even in the statements of the relatives of the respondent No.2 recorded under Section 161 of the Code of Criminal Procedure as has been laid down in the matter of **Kahkashan Kausar alias Sonam** (supra).

13. We allow the writ petition to the extent of the petitioners Nos.4 to 7 and quash and set aside the Crime No.473/2021 of Amalner Police Station and the Regular Criminal Case No.60/2022 pending on the file of the learned J.M.F.C., Amalner to their extent.

(ABHAY S. WAGHWASE, J.)

(MANGESH S. PATIL, J.)