

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

935 CRIMINAL APPLICATION NO.878 OF 2021

SANJAY MANIKRAO MUNDE AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

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Advocate for Applicants : Mr. Karad Murlidhar S

APP for Respondent : Mr. P K Lakhotiya

Advocate for Respondent 2 : Mr. Nagargoje P N

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CORAM: SARANG V. KOTWAL & BHARAT P. DESHPANDE, JJ.

Dated : July 15, 2022

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PER COURT :-

1. This is an application for quashing of the proceedings pending before the Judicial Magistrate First Class, Latur vide RCC No.1239 of 2020 arising out of C.R.No.174 of 221 registered with Vivekanand Chowk Police Station, Latur for the offence punishable under sections 498-A, 323, 504, 506 r/w 34 of the Indian Penal Code.

2. The FIR is lodged by the respondent no.2, who was the wife of the applicant no.1 At the outset, learned counsel for the applicants pointed out that as per the order dated 7.4.2021 passed by this Court, application

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is disposed off as far as applicant nos.1 to 4 are concerned. The applicant nos.6, 8 and 10 are the married sisters of the applicant no.1, Applicant no.5 is applicant no.6's husband. Applicant no.7 is applicant no.8's husband. Applicant no.9 is brother of applicant no.1. It is an admitted fact that all of them are residing in separate Taluka. In fact, applicant nos.9 and 10 are residing in a different District altogether. Applicant nos. 1,2 and 4 were residing at the same place and respondent no.2 was residing with them initially. Applicant no.10 is step sister of applicant no.1.

3. Heard Mr.Karad, learned learned counsel for the applicants, Mr. Lakhotiya, learned APP for the respondent no.1-State and Mr. Nagargoje, learned counsel for respondent no.2.

4. The FIR is lodged on 13.3.2021 by the respondent no.2. She has stated that she got married with the applicant no.1 on 29.1.2017. Initially, she was treated well in her matrimonial house. Thereafter, the applicant no.1 started demanding Rs.20 Lakh. He told her to

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bring that amount from her parents. He required that amount to secure a job in one Educational Institution as a Professor. It is mentioned that after her refusal to bring money, all accused started harassing her. They used to abuse, threat and beat her. She was not given fresh food. The respondent no.2 informed this harassment to her parents. Thereafter, her father met the husband, mother-in-law, father-in-law and requested them to treat her properly. There are allegations in the FIR that all the accused including present applicants used to cause this harassment every day. Husband used to come home late night and used to beat, harass and torture her. It is alleged that husband's sisters and their husband used to cause harassment whenever they visited her house. On one occasion, she was assaulted in the night, because of which she became unconscious. Thereafter, the respondent no.2's mother brought her to her parental house. On 21.8.2019 when demand was made at her parental house, even at that time she was assaulted by the accused. On this basis, the FIR is lodged.

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5. Learned counsel for the applicants submits that the applicants never resided with the informant and her husband and therefore there was no occasion for them to cause harassment. Allegations against them are vague, general in nature and, therefore, continuation of the proceedings against them would be an abuse of process of law.

6. Learned counsel for respondent no.2 as well as the learned APP submitted that there are definite allegations against the applicants that they used to visit to respondent's matrimonial house and used to harass her on the count of demand of money and therefore offence u/s 498-A is attracted.

7. We have considered the submissions and we have also perused the charge-sheet. Besides, the FIR there are statements of the informant's parents, her brother, family friends of the informant's father, her uncle, etc. All the statements referred to the same allegations which were told to the witnesses by the informant herself.

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8. As far as informant's case is concerned, we have perused the allegations in the FIR. Admittedly, the applicants were residing at different places. Learned counsel for respondent no.2 submits that except the applicant nos.9 and 10, other applicants were residing in the vicinity of 20-30 kilometers. Therefore, it was possible for them to cause harassment to the informant.

9. However, looking at the broad allegations, it does appear that it is a case of over implication. The applicant nos. 9 and 10 are residing in different District. Even, these similar and general allegations are made against them and also against applicant nos.5 to 8. In any case all these allegations are too general and vague. No specific instances are mentioned. It is also difficult to believe that all these applicants used to regularly visit her house and cause harassment. In this view of the matter, continuation of the proceedings against them would amount to abuse of process of law. Thus, the proceeding against them is required to be quashed and set aside. Hence, the following order.

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ORDER

- i. The proceedings pending before the Judicial Magistrate First Class, Latur vide RCC No.1239 of 2021 are quashed and set aside qua the applicant nos. 5 to 10 only.
- ii. The application is accordingly disposed off.

(BHARAT P. DESHPANDE, J.) (SARANG V. KOTWAL, J.)

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