

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

**CRIMINAL APPLICATION NO.1336 OF 2022**

1. Rajesh Narayan Beteraj
  2. Bhagyashree Rajesh Beteraj
- .. Applicants**

**Versus**

1. The State of Maharashtra
  2. Rekha Madhukar Ipte
- .. Respondents**

...

**WITH**  
**CRIMINAL APPLICATION NO.2764 OF 2021**

1. Gajanan s/o Balajirao Waghmare
  2. Varsha w/o Gajanan Waghmare
- .. Applicants**

**Versus**

1. The State of Maharashtra  
Through the Investigation Officer,  
Vimantal Police Station, Nanded.
  2. Rekha w/o Madhukar Ipte
- .. Respondents**

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Mr. V. V. Bhavthankar, Advocate for applicants in APPLN/1336/2022.  
Mr. A. V. Sakolkar, Advocate for applicants in APPLN/2764/2021.  
Mr. A. M. Phule, APP for respondent No.1 - State in both the cases.  
Mrs. Archana S. Jadhavar, Advocate for respondent No.2 in both the cases (Appointed).

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

**DATE : 21-11-2022**

**ORDER :- [Per Smt. Vibha Kankanwadi, J.]**

. Present applications have been filed by invoking the inherent powers of this Court under Section 482 of the Code of Criminal

Procedure for quashing the First Information Report (for short "FIR") bearing Crime No.324 of 2022 registered with Vimantal Police Station, Dist. Nanded for the offences punishable under Sections 498-A, 323, 504, 506 read with Section 34 of Indian Penal Code (for short "IPC") as well as the Charge-sheet i.e. R.C.C. No.138 of 2022 pending before the learned 4th Judicial Magistrate First Class, Nanded.

2. Applicant No.1 in both the applications are the brothers-in-law of respondent No.2 and applicant No.2 in both the applications are the sisters-in-law of respondent No.2.

3. Heard learned Advocate Mr. V. V. Bhavthankar for the applicants in Criminal Application No.1336 of 2022, learned Advocate Mr. A. V. Sakolkar for the applicants in Criminal Application No.2764 of 2021, learned Advocate Mr. A. M. Phule for the respondent No.1 - State in both the cases and learned Advocate Ms. Archana S. Jadhavar for respondent No.2 in both the cases (Appointed).

4. The informant - respondent No.2 lodged report with Vimantal Police Station, Dist. Nanded on 24.10.2021 against the applicants in both the applications. It is stated that the marriage of the informant was performed with one Madhukar Pandurang Ipte on

09.06.2019 at Nanded. The informant further states that after the marriage she was treated properly for about three months by the husband. Thereafter, when she was pregnant, her husband started demanding amount of Rs.2,00,000/- for running electrical shop. It is further stated that her mother-in-law, father-in-law and the present applicants instigated her husband to beat her and then only she will bring money. She further states that her mother-in-law and father-in-law used to assault her. The said fact was told to her mother, uncle Sanjay Pawar and Brother Balaji Holkar. Then they had been to her in-laws house and told that they are poor persons and they are unable to pay the said amount, at that time, her husband, father-in-law and mother-in-law abused them. She further states that on 10.06.2020, when she was eight months pregnant, her mother-in-law, father-in-law, husband and sister-in-law quarreled with her, assaulted her and by taking ornaments from her person, drove her out of the matrimonial house. Therefore, she lodged the report against the present applicants.

5. At the outset, it is to be noted from the contents of the FIR as well as the charge-sheet that the applicants in both the applications are the married sisters-in-law and brothers-in-law of respondent No.2. The allegations against the present applicants are that they together used to instigate the husband to assault informant and

mentally harass her so that she would bring the amount from her parents. It is to be noted that respondent No.2 got married on 09.06.2019 and it is stated that she was left to her parental home on 10.06.2020. It can be seen that the present applicants are residing at far place than the matrimonial home of respondent No.2 and, therefore, some details were expected as to when the applicants had met respondent No.2, at which place and whether there was any attempt by her relatives to persuade the applicants. Informant also alleges that the applicants used to give phone call to her husband and instigate that he should drive wife out of the house for bringing money. This allegation is very much general in nature and if it would have been stated each time, it doesn't seem to have been acted upon by husband each time. Therefore, on such vague and omnibus allegation, it cannot be said that offence as alleged is made out against the applicants.

6. Reliance can be placed on the decision in ***Kahkashan Kausar @ Sonam and Ors. Vs. State of Bihar and Ors., Criminal Appeal No.195 of 2022*** decided by the Hon'ble Supreme Court on 08.02.2022, wherein the decisions in ***Rajesh Sharma and Ors. Vs. State of U.P. and Anr., [(2018) 10 SCC 472]***, ***Arnesh Kumar Vs. State of Bihar and Anr., [(2014) 8 SCC 273]***, ***Preeti Gupta and Anr. Vs. State of Jharkhand and Anr.,***

***[(2010) 7 SCC 667], Geeta Mehrotra and Anr. Vs. State of UP and Anr., [(2012) 10 SCC 741] and K. Subba Rao Vs. The State of Telangana, [(2018) 14 SCC 452]*** have been considered and it has been observed thus :-

"18. The above-mentioned decisions clearly demonstrate that this Court has at numerous instances expressed concern over the misuse of section 498A IPC and the increased tendency of implicating relatives of the husband in matrimonial disputes, without analysing the long term ramifications of a trial on the complainant as well as the accused. It is further manifest from the said judgments that false implication by way of general omnibus allegations made in the course of matrimonial dispute, if left unchecked would result in misuse of the process of law. Therefore, this Court by way of its judgments has warned the courts from proceeding against the relatives and in-laws of the husband when no *prima facie* case is made out against them."

7. Taking into consideration the above noted decisions, we are of the opinion that the ingredients of offence punishable under Section 498-A of Indian Penal Code are not attracted as against the applicants in both the applications. Therefore, in our view, this is a fit case wherein we should exercise our discretion under Section 482 of the Code of Criminal Procedure to quash and set aside the

the FIR and the proceedings arising therefrom as against the applicants in both the applications. Hence, the following order :-

**ORDER**

- I) Both the applications stand allowed.
- II) The FIR bearing Crime No.324 of 2021 dated 24.10.2021 registered with Vimantal Police Station, Dist. Nanded for the offences punishable under Sections 498-A, 323, 504, 506 read with Section 34 of IPC as well as the Charge-sheet i.e. R.C.C. No.196 of 2022 pending before the learned 4th Judicial Magistrate First Class, Nanded, stand quashed and set aside, as against the applicants in both the applications.
- III) Fees of the learned Advocate, who is appointed to represent the cause of respondent No.2 in both the cases, is quantified at Rs.7,000/- to be paid by High Court Legal Services Sub Committee, Aurangabad.

**[ABHAY S. WAGHWASE]**  
**JUDGE**

**[SMT. VIBHA KANKANWADI]**  
**JUDGE**

scm