

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

CRIMINAL APPLICATION NO.1413 OF 2022

**PAYAL W/O ANIL VIGHNE
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER**

...
Advocate for Applicant : Mr. Rajendra B. Dhakane
APP for Respondent No.1– State : Mr. S. D. Ghayal
Advocate for Respondent No.2 : Mr. Bibhishan R. Jaybhay
...

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

DATED : 09 NOVEMBER 2022

PER COURT :

Sister-in-law of respondent No.2-Ashwini Ugale (complainant herein) has pressed into service instant application praying to quash crime bearing No.583 of 2019 registered with MIDC Waluj Police Station, Aurangabad (City), dated 20.08.2019 for the offences punishable under sections 498-A, 323, 504, 506 read with 34 of Indian Penal Code and for quashing consequential proceeding bearing R.C.C. No.307 of 2020.

2. Taking us through the FIR filed by the respondent No.2, learned advocate for the applicant strenuously submits that the applicant herein is falsely implicated. He emphasizes that she is married sister of husband of

respondent No.2 and moreover, she resides at Delhi and rarely visits Mangarul, Taluka Shevgaon, District Ahmednagar. She is happily cohabiting with her husband and in-laws. That, she had no concern whatsoever with the alleged matrimonial discord between respondent No.2 and her husband, i.e. brother of applicant. It is pointed out that indiscriminate allegations are levelled against her entire family, i.e. her brother and parents-in-law alleging demand of Rs.25,000/-. That, she has levelled vague allegations about maltreatment being meted out to her without specifying the instances. That, present applicant, in spite of not being part of family now, is also implicated in the crime with ulterior motive with sole intention of roping the entire family. He has also pointed out that multiple proceedings are lodged by respondent no.2 with sole intention of harassing husband and his relatives. For all above reasons, he seeks relief as sought in the prayer clause.

3. Learned APP appearing on behalf of State would point out that applicant is named in the FIR and she is party to the alleged ill-treatment meted out to the respondent no.2. According to him, under such circumstances, it would not be just and proper to consider or grant the relief sought by the applicant.

4. Learned advocate for respondent No.2 also resists the application pointing out that present applicant, along with her brother and parents, ill-

treated her. They put up demand of money and when the same was not met, she was subjected to both, physical and mental cruelty. So he too prays for dismissing the application.

5. We have considered the application, examined the FIR and heard each side.

It seems that present respondent No.2 was married to Sachin Prabhakar Ugale, who undisputedly is brother of present applicant. According to respondent No.2, for 8 months after marriage, she was treated properly. Subsequently, she was abused, beaten and kept starved. In the FIR dated 20.08.2019 she has alleged that her husband, parents-in-law and present applicant (sister-in-law) put up a demand of Rs.25,000/- for purchase of a mobile and Rs.5,00,000/- for construction of a house. When she expressed her inability to raise the amount and meet the demand, it is alleged that she was beaten, abused and even threatened to be killed. That, she was confined in the house and was asked to remain ex-communicated from her parents. Therefore, she lodged above complaint.

6. Undisputedly, present applicant is arraigned as accused No.4 in the above complaint in the capacity of sister-in-law. She, in her application, has categorically stated that, she is married and residing with her husband at

Delhi and only sometimes she visits her matrimonial house at Mangarul. This aspect has not been refuted by other side.

Therefore, this indicates that present applicant is living with her husband separately at a distinct place. On minutely going through the FIR, it is clear that marriage of present respondent No.2 is of July 2017 and instant complaint alleging maltreatment is of 20.08.2019. It is conspicuously seen that no specific details or instances are quoted in the complaint as to when said illegal demand was raised by accused persons and where proposed house was to be constructed for which there was alleged demand of Rs.5,00,000/-.

7. The Hon'ble Apex Court, time and again has observed that there is growing tendency amongst married deserted women, who on account of bitter relations with husband, level indiscriminate, vague and omnibus allegations against the entire family members with sole intention of harassing them. Therefore, in numerous cases, such practice has not only been deprecated by the Hon'ble Apex Court holding that it is abuse of process of law, and the same cannot be allowed to be continued, but even in deserving cases proceedings are quashed and set aside by exercise of powers bestowed upon higher courts. The case in hand also seems to be one amongst such cases which is filed with sole intention of roping entire family and to harass in-laws. It would be profitable to name few land mark cases on this point which are as

under:-

- (i) Geeta Mehrotra Vs. State of U.P.; (2012) 10 SCC 741*
- (ii) Preeti Gupta v. State of Jharkhand ; AIR 2010 SC 3362*
- (iii) Priya Vrat Singh v. Shyam Singh Sahai ; (2009) SCC Suppl. 709.*
- (iv) Neelu Chopra Vs. Bharti; (2009) 10 SCC 184.*
- (v) State Of Haryana and Ors. Vs. Bhajan Lal; AIR 1992 SC 604*

8. The contents of the FIR herein *ex facie* show that the FIR is devoid of specification and details of nature, manner of ill-treatment and details of demands. Further, present applicant, who is married sister-in-law of respondent no.2, is admittedly staying away from her married brother and parents.

9. In our opinion, in the light of above discussion and material, it would be hazardous to allow applicant to face prosecution on vague and omnibus allegations. Resultantly, applicant succeeds and we accordingly to pass following order :-

ORDER

- (i) The application is allowed.
- (ii) The FIR bearing crime No.583 of 2019 registered with MIDC Waluj Police Station, Aurangabad (City), for the offences punishable under sections 498-A, 323, 504, 506 read with 34 of

Indian Penal Code and the consequential proceeding bearing R.C.C. No.307 of 2020 are quashed and set aside to the extent of the present applicant.

(ABHAY S. WAGHWASE, J.)

(MANGESH S. PATIL, J.)

Tandale/-