

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

**CRIMINAL APPLICATION NO. 1374 OF 2020**

- 1] Pemrao Balaji Shinde  
(Named as Premrao in F.I.R.)  
Age-38 years, Occupation - Labour,  
R/o. Haldav, Tq. Loha, Dist. Nanded.  
At present – Chandan Nagar,  
By-Pass, Pune.
- 2] Sambhaji Kondiba Kalhale  
Age-46 years, Occupation-Business,  
R/o. Shivshankar Chal, Kranti Nagar,  
Akroli Road, Kandivali (East),  
Mumbai-400 101.
- 3] Balaji Dadarao Kalhale  
Age-70 years, Occupation-Agriculture,  
R/o. Dagad Sangavi, Tq. Loha,  
Dist. Nanded.
- 4] Rameshwar Dadarao Kalhale  
Age-43 years, Occupation-Business,  
R/o. R.M. 121/6, M.I.D.C., Waluj,  
Aurangabad.
- 5] Rekha Rameshwar Kalhale  
Age-35 years, Occupation-Household,  
R/o. R.M. 121/6, M.I.D.C., Waluj,  
Aurangabad.
- 6] Dhondubai Balaji Kalhale  
Age-60 years, Occupation-Housewife,  
R/o. Dagad Sangavi, Tq. Loha, Dist. Nanded.
- 7] Ganpat Balaji Kalhale  
Age-38 years, Occupation-Business,  
R/o. R.H.30/1, Bajaj Nagar, Waluj M.I.D.C.,  
Aurangabad.

8] Uttam Prabhakar @ Prabhu Fajge  
Age-69 years, Occupation-Agriculture,  
R/o. Dagad Sangavi, Tq. Loha, Dist. Nanded.

9] Vyankat Prabhakar @ Prabhu Fajge  
(Named as Vyankati in F.I.R.)  
Age-47 years, Occupation-Agriculture,  
R/o. Dagad Sangavi, Tq. Loha, Dist. Nanded.

10] Rukhmin Uttam Fajge  
Age-46 years, Occupation-Housewife,  
R/o. Dagad Sangavi, Tq. Loha,  
Dist. Nanded.

... Applicants  
[orig. accused nos. 10 to 19]

**Versus**

1] The State of Maharashtra,  
Through Police Station Malakoli,  
Dist. Nanded.

2] Sunita w/o Nagorao Kalhale @  
Sunita d/o Kishanrao Daithanekar  
Age-27 years, Occupation-Household,  
R/o. C/o Kishanrao Honaji Daithanekar  
Daithana, Tq. Kandhar, Dist. Nanded.

... Respondents  
[Respondent No.2 orig Informant]

.....  
Mr. Ashwini A. Lomte, Advocate h/f Mr. S. J. Salunke, Advocate for the  
Applicants.

Mr. A. M. Phule, APP for Respondent No.1-State.

Ms. Ranjana D. Reddy, Advocate for Respondent No.2 (absent)

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

**DATE : 06.12.2022**

**JUDGMENT (ABHAY S. WAGHWASE, J.) :**

1. The present applicants, who are in-laws of respondent no.2 Sunita, are seeking quashing of FIR No. 147 of 2020 registered with Malakoli Police Station, District Nanded for the offences punishable under Sections 498-A, 323, 504, 506 r/w 34 of the Indian Penal Code (for short, "IPC") and the consequent proceedings, i.e. by invoking the inherent powers of this Court under Section 482 of the Code of Criminal Procedure (for short, "Cr.P.C.")

2. Respondent no.2 Sunita informed the police that, she was married to non-applicant Nagorao on 27.01.2009. After marriage, she came to reside with her husband and in-laws. According to her, immediately after marriage, she was taunted on account of her looks and for bringing less dowry and further asked her to bring Rs.5,00,000/- and on such count, she was subjected to physical and mental cruelty and even beating, and she was driven out of the house. After few days, as there was marriage of her sister-in-law, her in-laws called her back and at such time they raised a demand of Rs.5,00,000/- for proposed marriage of her sister-in-law. They threatened her that they would not allow her to stay if she fails to bring the amount. She alleged that her husband beat her. According to her, in 2012 Rs.50,000/- was paid. She further claims that that by selling her *stree dhan* she set up a shop, but accused threatened her that they would not allow her to run the shop. She claims that

her maternal uncle had given Rs.2,00,000/- for setting up the shop. However, all accused did not allow her to stay and therefore, she came back to her house. Consequently, she levelled allegations against mother-in-law, father-in-law, sisters-in-law, who were quarreling with her and suspecting her character. Hence she lodged the FIR.

On the strength of above complaint, crime was registered for above offences and investigation was carried out and on its conclusion, charge-sheet was filed.

It is the above FIR and charge-sheet which is now sought to be nullified by applicants herein praying to exercise of powers under Section 482 of Cr.PC.

3. As to when powers under Section 482 of Cr.PC. can be exercised is fairly settled by slew of judgments including ***Inder Mohan Goswami and Anr. Vs. State of Uttaranchal and Ors. ; (2007) 12 SCC 1 and Mahendra K.C. Vs. State of Karnataka and Another ; (2022) 2 Supreme Court Cases 129.***

4. In the backdrop of the legal requirement on the scope and exercise of power under Section 482 of Cr.PC. as culled out in the above rulings, we turn to the FIR and the charge-sheet to ascertain whether the same amounts to abuse of process of law. On examining the FIR, it is emerging that

applicant no.1 is brother-in-law of husband, applicant nos. 2 to 4 are husband's cousin brothers, applicant no.5 is wife of applicant no.4, applicant no.6 is wife of applicant no.3, applicant no.7 is son of applicant nos. 3 and 6, applicant nos. 8 and 9 are sons of paternal aunt of husband and applicant no.10 is wife of applicant no.8. On carefully going through the FIR, we come across that informant's marriage was performed with non-applicant Nagorao on 27.01.2009. There are allegations by the informant that immediately after marriage, her parents-in-law, sisters-in-law, cousin father-in-law, cousin brothers-in-law and their wives commented on her looks and taunted for not bringing sufficient dowry and thereby asked her to bring Rupees five lakh more and on such count, she was said to be subjected to physical and mental cruelty. What was the nature of ill-treatment and when it occurred is not clarified in the FIR. Sweeping allegations are levelled against the parents-in-law, sisters-in-law, cousin brothers-in-law and wives of cousin brothers-in-law. Second allegation is that at the time of marriage of one of her sisters-in-law, she was called back and again demand of Rupees five lakh was raised for the purpose of said marriage of said sister-in-law and on such count, they threatened that if said demand is not fulfilled, they would not allow her to stay. Such allegations are also patently general in nature. She has attributed beating to her husband but he is not applicant herein. Then, she has informed that by selling her *stree dhan* and raising amount from her maternal uncle, she set up a shop. Details of the same are also not stated in the FIR. She directly

alleges that in-laws threatened to stop her business and asked her not to stay in the house and therefore, she came back. She has attributed beating on 09.06.2020, but who beat her is not reflected in the FIR. She has attributed allegations of abuse to all applicants.

5. Thus, FIR is full of vague, omnibus and general allegations without specifying role of applicants herein. Some of the applicants are cousin brothers of her husband and their wives. Sweeping allegations are levelled against parents-in-law, sisters-in-law and cousin brothers-in-law along with their wives. The FIR does not state as to who played what role. After going through the charge-sheet, the statements under Section 161 of Cr.P.C. are found to be stereotype and monotonous in nature.

6. In the recent case of ***Kahkashan Kausar alias Sonam and others v. State of Bihar and others***; (2022) 6 SCC 599, the Hon'ble Apex Court in para 18 has held that there is growing tendency to rope in entire family, including distant relatives. The case in hand is also found to be similar one. General, non-specific and sweeping allegations are levelled against one and all. Husband is not applicant herein. Therefore, in our considered opinion, in view of the principles laid down in the case of ***State of Haryana and others v. Ch. Bhajan Lal***; AIR 1992 SC 604, more particularly clause (7) as reflected in para 108 of the judgment, the case in hand is also of similar nature. Continuation of such

proceeding would render injustice to all the applicants who had no direct concern with the informant or her domestic affairs. It is apparent abuse of process of law and therefore, we find it a fit case to exercise powers under Section 482 of Cr.P.C. and resultantly proceed to pass the following order:

**ORDER**

- I. The application is allowed in terms of prayer clauses [C], [C-1] and [C-2] to the extent of the applicants herein.
- II. The application is accordingly disposed off.

(ABHAY S. WAGHWASE, J.)

(SMT. VIBHA KANKANWADI, J.)

*VRE*