

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

938 CRIMINAL APPLICATION NO.1277 OF 2021

MANOJ SHIVKUMAR SHETE AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

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Advocate for Applicants : Ms S.T.Jadhav h/f
Suryawanshi Prashant D.

APP for Respondent 1 : Mrs P V Diggikar
Advocate for Respondent 2 : Mr. Kodale Vikas G.

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CORAM: SARANG V. KOTWAL & BHARAT P. DESHPANDE, JJ.
Dated: June 21, 2022

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PER COURT :-

1. Leave to amend. Amendment shall be carried out forthwith.

2. This is an application for quashing of the FIR bearing C.R.No.62 of 2021 dated 25.3.2021 registered with Pimpalner Police Station Tq. & District Beed for the offence punishable under sections 498-A, 323, 504 of the Indian Penal Code; with consequent trial pending vide RCC No.284 of 2021 pending before the Judicial Magistrate First Class, Court No.5, Beed.

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3. Heard Ms. Jadhav h/f Mr. Suryawanshi, learned counsel for the applicants, Mrs. Diggikar, learned APP for the State and Mr. Kodale, learned counsel for respondent no.2.

4. The F.I.R. is lodged by respondent no.2. She has stated that she got married on 29.12.2018 with the applicant no.1 Manoj. The applicant no.2 is mother, applicant no.3 is unmarried sister, applicant nos.4 and 6 are the married sisters of applicant no.1 Manoj. Applicant no.5 is the husband of applicant no.4 Smita. It is not in dispute that the applicant nos.4, 5 and 6 are residents of Pune, whereas other applicants are residents of Beed.

. It is mentioned in the FIR that, during marriage, the respondent no.2's parents spent around Rs.7.00 Lakhs, out of which Rs.5.00 Lakh were given to the applicant no.1. It is her case in the FIR that, she was treated property for about three months and thereafter all the applicants started harassing her mentally and physically by demanding Rs.5.00 Lakhs for starting a

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business of flour mill. Some attempt was made by the informant's family to bring about reconciliation, however, there was no improvement in the behavior of the applicants. She stayed in her matrimonial house for about four months. It is her case that on 27.8.2019 she was driven out of her matrimonial house and since then she was residing with her parents at Ghatsavali. It is mentioned in the FIR that, she had given her complaint to the Women Grievance Redressal Forum at Beed and thereafter this FIR is lodged.

5. Learned counsel for the applicants submitted that there are only general allegations against all the applicants. Applicant nos.4,5 and 6 are not even residing in Beed. Applicant no.3 is unmarried sister and applicant no.2 is an aged mother-in-law. Even against them there are no specific allegations. She invited our attention to the complaint given before the [Women's Grievance Redressal Committee](#) on 16.6.2020 by the respondent no.2. In that application, the allegations were specifically directed only against

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applicant no.1 and not against other applicants. She submitted that, even in the charge-sheet there are no other allegations against other accused. She therefore submitted that a continuation of this proceeding would be an abuse of process of law.

6. Learned APP as well as learned counsel for respondent no.2 vehemently opposed this application. They submitted that the FIR itself mentions how respondent no.2 was harassed on demand of Rs.5.00 Lakhs. Allegations would squarely fall within the meaning of section 498-A of IPC.

7. We have considered these submissions. We have perused other statements in the charge-sheet. Other witnesses are mother Sindhubai, father Kedarnath, brother Tejas, uncle Angad of the informant. Arun Lande was the Sarpanch of the village Ghatsavali where the informant's parents reside. All these statements are exactly similar and they repeat same allegations as are mentioned in the FIR.

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8. The FIR itself mentions the allegations which are general and vague in nature. No specific details and instances are mentioned. No specific allegations are made against any of the applicants. It is not disputed that the applicant nos.4 to 6 are residing at Pune and not at Beed. Even against applicant no.3 who is an unmarried sister of the husband, there are no specific allegations; similarly even against mother-in-law there are no specific allegations. In fact, in the complaint given to the Women's Grievance Redressal Committee as mentioned earlier, the informant was more specific. She has categorically stated in that statement which is annexed to the memo at page 20 that husband used to make her lift heavy gunny bags. He insisted that she should bring Rs.5.00 Lakh for flour mill. She was held responsible for the death of his father and for injuries caused to applicant no.2. He used to doubt her character. She had referred to an incident dated 28.8.2019 where again there was a quarrel between husband and wife and thereafter husband insisted that he did not want to cohabit with her. Only reference to

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others is that mother in-law and sister-in-law used to abuse her in front of others. Thus, in the FIR there are clear improvement from these allegations. Neither in the first complaint before the Women's Grievance Redressal Committee nor in the FIR there are definite allegations against the applicant nos. 2 to 6. It is clear that they are roped in only to pressurize the husband. The respondent no.2 had stayed in her matrimonial house only for few months. Continuation of these proceedings would amount to abuse of process of law and therefore the proceedings need to be quashed in respect of the applicant nos. 2 to 6. It is made clear that there are consistent allegations against applicant no.1-Manoj Shete and therefore relief cannot be granted to applicant no.1. Hence, the following order.

ORDER

- i. Criminal application is hereby partly allowed.
- ii. The C.R.No.62 of 2021 dated 25.3.2021 registered with Pimpalner Police Station, District Beed and consequent proceeding vide RCC No.284 of 2021 pending before

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the Judicial Magistrate First Class-5, Beed are hereby quashed and set aside to the extent of applicant nos.2 to 6 only.

iii. Application on behalf of applicant no.1- Manoj Shivkumar Shete is rejected.

iv. Application is disposed off.

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

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