

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

CRIMINAL APPLICATION NO.1461 OF 2021

MAHENDRA DALA CHAUDHARI AND OTHERS

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

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Advocate for Applicants : Mr. Ruchir S. Wani

APP for Respondents: Mr. S.D. Ghayal

Advocate for Respondent No.2 : Mr. S.S. Pidgeward h/f. Mr. N.L. Choudhari

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

DATE : 18.10.2022

PER COURT :

The applicants are invoking the powers of this Court under Section 482 of the Code of Criminal Procedure seeking quashment of the crime registered pursuant to the FIR lodged by the respondent No.2 being Crime No.81/2021 of Chalisgaon Police Station, Tq. Chalisgaon, District Jalgaon for the offence punishable under Section 498-A, 323, 504, 506, 406, 109 read with Section 34 of the Indian Penal Code.

2. The learned advocate Mr. Wani submits that the application is being moved by the sisters-in-law of the respondent No.2 and a daughter of one of the applicants (applicant No.7). Application to the extent of applicant No.1 (husband) and applicant No.2 (mother-in-law) has already been withdrawn.

3. Mr. Wani submits that the allegations against the sisters-in-law and a niece are vague and omnibus. There is only one sentence that too merely suggesting that they were instigating the husband and the mother-in-law to subject her to cruelty. The respondent No.2 has not given any particulars of the alleged ill-treatment at their hands. It would be sheer abuse of the process of Court to make the applicants to face the trial with such vague allegations. He cites the following decisions:

- i. **Geeta Mehrotra and Anr. Vs. State of Uttar Pradesh and Anr.; (2012)10 Supreme Court Cases 741**
- ii. **Preeti Gupta and Anr. Vs. State of Jharkhand and Anr.; (2010) 7 Supreme Court Cases 667**
- iii. **Archana w/o Vishal Pagare and Anr. Vs. The State of Maharashtra and Anr.; (Crl. Appln. No.2771/2019 dated 02.12.2019 of this Bench)**
- iv. **Mohd. Ibrahim Sahebali Shaik and Ors. Vs. The State of Maharashtra and Anr.; (Crl. Application No.2309/2018 of this Bench)**
- v. **Madan S/o. Shankar Bhivsane and Ors. Vs. The State of Maharashtra and Anr.; (2018) 1 AIR Bom R (Cri) 395**
- vi. **Rameshwar S/o Nivrutti Bingole and Ors. Vs. The State of Maharashtra and Anr.; (2017) 2 AIR Bom R (Cri) 356**
- vii. **Vimalbai Vanji Patil & Ors. Vs. The State of Maharashtra & Anr.; (Crl.Application No.1363/2018 dated 29.08.2018 of this Bench)**

He also submits that the case is squarely covered by **State of Haryana and Ors. V/s Bhajan Lal and Ors.; (1992) SCC (Cri) 426.**

4. Learned Public Prosecutor and the learned advocate for the respondent No.2 would emphasize the same sentence appearing in the FIR but it is their submission that the allegations are specific and precise.

5. Time and again the Supreme Court has observed in the matters of matrimonial dispute that there is a usual tendency to rope in as many relatives of the husband as possible for the obvious ulterior motive. According to us this seems to be one of the kind case. The observations of the Supreme Court (*supra*) are squarely applicable to the matter in hand.

6. The only sentence appearing in the entire FIR *qua* the role attributed to the sisters-in-law is that though they are married they were contacting her husband and mother-in-law on phone and instigating them to subject her to ill-treatment. Taking into account the fact that the marriage was solemnized in the year 2014 and the FIR was lodged in the year 2021 almost 7 years after the marriage, the statement is indeed vague and omnibus. Bearing in mind the fact that the sisters-in-law are already married and residing at their respective matrimonial homes, it was expected that had they played some specific role in meeting out cruelty to the respondent No.2, she could have been specific and precise in making these allegations. The statements of the relatives of the respondent No.2 namely her mother Latabai Devidas Choudhari and brother Sagar Devidas Choudhari are also equally vague and omnibus. They have not stated about the respondent No.2 ever having complained to them about the role which she now intends to attribute to the sisters-in-law.

7. In view of such state of affairs, the case is squarely covered by the guidelines laid down in the matter of **Bhajan Lal** (*supra*).

8. The Application is allowed to the extent of respondent Nos.3 to

7. The criminal case bearing Crime No.81/2021 registered with Chalisgaon Police Station, Tq. Chalisgaon District Jalgaon and the subsequent criminal case bearing R.C.C. No.132/2021 to their extent stands quashed and set aside.

(ABHAY S. WAGHWASE, J.)

(MANGESH S. PATIL, J.)

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