

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

940 CRIMINAL APPLICATION NO.1789 OF 2021

1. Ajit Waman Joshi
 2. Waman Govindrao Joshi
 3. Jayashree Waman Joshi
 4. Anjali Yogesh Naik
 5. Yogesh Satish Naik
 6. Smita Satish Naik
- ...Applicants

versus

The State of Maharashtra and another

...Respondents

.....
Advocate for Applicants : Mr. Patil N.P. Jamalpurkar
APP for Respondent-State: Mr. A.V. Deshmukh
Advocate for Respondent No.2 : Mr. D.S. Mali
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**CORAM : SARANG V. KOTWAL AND
BHARAT P. DESHPANDE, JJ.
DATED : 8th JULY 2022**

PER COURT:-

1. This is an application for quashing of proceedings bearing R.C.C. No. 234 of 2021 pending before the learned J.M.F.C. Omerga District Osmanabad arising out of C.R. No. 420 of 2021 registered at Omerga Police Station for the offence under Sections 498A, 323, 504, 506 r.w. 34 of I.P.C.
2. Heard.
3. The applicant No.1 is husband, applicant No.2 is father-in-law,

applicant No.3 is mother-in-law, applicant No.4 is married sister-in-law of informant, applicant No.5 is husband of applicant No.4 and applicant No.6 is mother of applicant No.5 and aunt of applicant No.1.

4. The F.I.R. is lodged by the informant. She has stated that she got married with applicant No.1 on 1.12.2020. At that time, her parents had spent for marriage expenses, had given gold ornaments and articles. Initially for a period of 15 days, she was treated properly. Thereafter, all these applicants started to harass her. They used to ill-treat her on the ground that because of her, the applicant No.1 had lost his job. She was mentally and physically harassed. She was not provided food. It is mentioned that they demanded Rs.1,00,000/- from her parents. That amount was also sent but the harassment did not stop. On 13.7.2021 she was beaten and was driven out of the house. She came back to her parents house on 14.7.2021. Thereafter, this F.I.R. is lodged.

5. Learned counsel for the applicants submitted that there are omnibus allegations and they are general in nature. The nature of harassment is not clearly mentioned in the F.I.R. He submitted that the applicant Nos. 4, 5 and 6 were residing in different houses and therefore, it is not possible to believe that they caused harassment to the informant so as to attract the offence under section 498-A of I.P.C.

6. Learned A.P.P. as well as learned counsel for respondent No.2 opposed this application. They relied on the averments made in the F.I.R. as well as the statements of witnesses in the charge sheet.

7. We have considered these submissions. Apart from the statement of first informant, there are statements of other relatives of the informant. They are the father, mother, sister, brother-in-law i.e. sister's husband etc. All of them have reiterated the allegations made in the F.I.R. The father of the informant has stated that he had given Rs.1,00,000/- to the applicant No.1 and after a few days, applicant No.1 informed over phone that he had returned that amount of Rs.1,00,000/-. But thereafter he also started demanding money from the informant. Thus, we find that there are allegations of demand and causing harassment on that ground. Therefore, we are not inclined to quash the proceedings in totality. The husband, father-in-law and mother-in-law were residing in the same house and therefore, at this stage, it is not possible to observe that these three applicants were not responsible for causing any harassment to the informant.

8. As far as the other applicants i.e. applicant Nos. 4, 5 and 6 are concerned, admittedly they were residing elsewhere. They used to visit the house of the informant only occasionally and therefore, there was no reason for them to cause harassment and ill-treatment the informant. The marriage of the informant had taken place on

1.10.2020 and in the month of July, 2021 she went back to reside with her father. Considering these aspects, we are inclined to grant relief to applicant Nos. 4, 5 and 6. So far as this application of other applicants i.e. applicant Nos. 1, 2 and 3 is concerned, we are not inclined to give relief to them. Hence, the following order:-

O R D E R

- I. The criminal application for applicant No. 1 Ajit Waman Joshi, applicant No.2 Waman Govindrao Joshi and applicant No.3 Jayashree Waman Joshi is rejected.
- II. The proceedings pending before the J.M.F.C. Omerga, District Osmanabad vide R.C.C. No. 234 of 2021 arising out of C.R. No. 420 of 2021 registered at Omerga Police Station for the offence under Sections 498A, 323, 504, 506 r.w. 34 of I.P.C. are quashed and set aside qua the applicant No. 4 Anjali Yogesh Naik, applicant No. 5 Yogesh Satish Naik and applicant No.6 Smita Satish Naik.
- III. Criminal application is disposed of.

(BHARAT P. DESHPANDE, J.)

(SARANG V. KOTWAL, J.)