

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD

941 CRIMINAL APPLICATION NO. 2265 OF 2021

ANIL DILIP KOLI AND OTHERS  
VERSUS  
THE STATE OF MAHARASHTRA AND ANOTHER

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Advocate for Applicants : Mr. Anudeep D. Sonar  
APP for Respondent No.1-State : Mr. B. V. Virdhe  
Advocate for Respondent No.2 : Mr. M. V. Bhamre

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

**DATED : 12 OCTOBER 2022**

**PER COURT :-**

1. Heard.
2. The applicants are seeking quashment of a crime and the subsequent charge sheet filed in Crime No. 114/2021 registered with Shindkheda Police Station, Taluka Shindkheda, District Dhule for the offence punishable under Section 498-A, 323, 504, 506 r/w 34 of IPC, on an FIR lodged by the respondent no.2, who happens to be the wife of the applicant no.1 and daughter in law of applicant nos. 2 and 3.
3. After hearing both the sides, when this Court expresses its disinclination to grant any relief to applicant nos. 1 to 3, the learned Advocate, on instructions, seeks leave to withdraw the application to their extent.

4. So far as the rest of the applicants are concerned, applicant no.4 is the unmarried brother in law, whereas, applicant no.5 is the cousin brother in law of respondent no.2. The applicant no.6 is stated to be not even related to the husband. Though the Investigating Officer has filed a reply, he is also not specifically been able to state as to how applicant no.6 is related to the family of the applicant nos. 1 to 5 and respondent no.2.

5. Learned Advocate for respondent no.2, on instructions, submits that applicant no.6 is a neighbour. Obviously, he is not related to the family and consequently, not being relative of the husband, Section 498-A of IPC cannot be pressed against him.

6. Apart from the above state of affairs, a careful perusal of the FIR reveals that marriage was solemnized in the year 2018. It only avers that respondent no.2 was subjected to cruelty on account of applicant's demand for an amount of Rupees two lakh for purchasing a vehicle. She was also being teased and taunted being unable to beget any issue. Even questions were raised on her character. None of these allegations have been specifically attributed to the applicant nos. 4 to 6 albeit their names appear in the FIR alongwith the names of the rest of the applicants.

7. In the matters of **Geeta Mehrotra and another v. State of U.P. and another** ; AIR 2013 SC 181 and **Preeti Gupta and another v. State of Jharkhand and another** ; AIR 2010 SC 3363, the Supreme Court had observed that it is the usual tendency to rope as many relatives of the husband as possible in such matters.

8. In our considered view, the case of applicant nos. 4 to 6 squarely falls in the guidelines laid down by the Supreme Court in the case of **State of Haryana and others v. Ch. Bhajan Lal and others** ; AIR 1992 SC 604. It would be sheer abuse of the process of law if they are made to face the trial on the basis of such omnibus and vague allegations.

9. The application is partly allowed. The crime and the charge sheet *qua* the applicant nos. 4 to 6 is quashed and set aside.

10. The application to the extent of applicant nos. 1 to 3 is dismissed as withdrawn.

[ABHAY S. WAGHWASE, J.]

[MANGESH S. PATIL, J.]