

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

CRIMINAL APPLICATION NO. 2492 OF 2021

Milind Bhagwan Mahajan
and others

.. Applicants

Versus

The State of Maharashtra and another

.. Respondents

Mr. D. K. Kulkarni, Advocate for the Applicants.
Mr. K. S. Hoke Patil, APP for the Respondent No. 1.
Mr. V. P. Raje, Advocate for Respondent No. 2.

**CORAM : SARANG V. KOTWAL
 AND
 BHARAT P. DESHPANDE, JJ.**

DATED : 28th JUNE 2022.

PER COURT :-

. At the outset, learned counsel for the applicants pointed out that the application to the extent of applicant Nos. 1, 2 and 3 is already withdrawn and does not survive. Therefore, we have considered this application for applicant Nos. 4, 5, 6 and 7.

2. The FIR is lodged by one Kalyani Milind Mahajan. She was married to her husband on 25.02.2020. The applicant No. 4 is the sister in law, applicant No. 5 is husband of applicant No. 4, applicant No. 6 is maternal uncle - Milind's maternal uncle and applicant No. 7 is maternal aunt.

3. The FIR mentions that the Milind was earlier married and had obtained divorce. The informant was aware of it. During marriage, the informant's parents spent expenses on her marriage and gave some ornaments. She has started residing with all the accused after marriage and then Milind took the informant to Pune. It is mentioned that in Pune, the husband had brought a girl in the flat. The informant came to know that her husband has illicit relations with that girl. There was quarrel and the husband had assaulted the informant. His family did not support the informant. There are allegations that applicant Nos. 4, 5, 6 and 7 were instigating the husband on telephone. The husband demanded Rs. 5,00,000/- and harassed the applicant. On that basis, the FIR is lodged.

4. Learned counsel for the applicants submitted that there are vague and general allegations against these particular applicants and they are made accused only to pressurise the husband and his family members.

5. Learned counsel for the respondent No. 2 and learned APP opposed this application and supported averments in the FIR.

6. We have considered the submissions. We have also perused the charge-sheet alongwith FIR.

7. The charge-sheet contains statements of the informant's father - Mukund, mother -Latabai, brother - Vivek and her father's maternal brother in law – Hiralal and other relatives namely Abhimanyu and Dnyaneshwar etc. All their statements are same and they have repeated the allegations made in the FIR.

8. All these allegations are specifically directed against the husband and other accused. As far as the present applicants are concerned, there are only vague allegations. The applicant Nos. 4, 5, 6 and 7 are residing separately and the allegations are only about instigating the husband telephonically and are general in nature. It is obvious that they are involved only to pressurise the husband.

9. In this view of the matter, continuation of criminal proceedings against them would amount to abuse of process of law and proceedings are required to be quashed. Therefore, we pass the following order.

ORDER

(i) The application is partly allowed.

(ii) The proceedings in respect of RCC No. 702/2020 pending before the Judicial Magistrate First Class, Dhule are quashed and set aside in respect of applicant No. 4 -Mayuri Nitin Mali, applicant No. 5 - Nitin Namdeo Mali, applicant No. 6 – Vasant

Dodhu Gangurde and applicant No. 7 – Deepali Vasant Gangurde.

10. The criminal application is disposed of.

(BHARAT P. DESHPANDE)
JUDGE

(SARANG V. KOTWAL)
JUDGE

PS.B.