

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

CRIMINAL APPLICATION NO. 3422 OF 2022

- 1] Narendrakumar Virendrakumar Baid,
(Father-in-law)
Age- 67 years, Occ. Business,
R/o. Shri Ram Wada, Pach Deul Mandir,
Chandrapur, Tq. & Dist. Chandrapur.
Pin Code – 442 402.
- 2] Sunanda w/o Narendrakumar Baid,
(Mother-in-law)
Age- 65 years, Occ. Household,
R/o. Shri Ram Wada, Pach Deul Mandir,
Chandrapur, Tq. & Dist. Chandrapur.
Pin Code – 442 402.
- 3] Narendra s/o Satishkumar Burad @ Jain,
(Husband of Sister-in-law)
Age- 48 years, Occ.: Business,
R/o. C-294, Shailendra Nagar,
Raipur, Dist. Raipur (Chhatisgarh State)
Pin Code – 492 001.
- 4] Shilpa w/o Narendrakumar Burad @ Jain
(Sister-in-law of informant)
Age- 41 years, Occ. Household,
R/o. C-294, Shailendra Nagar,
Raipur, Dist. Raipur (Chhatisgarh State)
Pin Code – 492 001.
- 5] Milan Hukumchand Munot
Age- 48 years, Occ. Business
(Husband of Sister-in-law)
R/o. 8387/8388, Poonam – Keshav,
L.I.C. Colony, Ring Road, Jalgaon,
Taluka and District Jalgaon.
Pin Code – 425 001

- 6] Swati Milan Munot
(Sister-in-law of informant)
Age- 43 years, Occupation-Household,
R/o. 8387/8388, Poonam – Keshav,
L.I.C. Colony, Ring Road, Jalgaon,
Taluka and District Jalgaon.
Pin Code – 425 001
- ... Applicants.

Versus

- 1] The State of Maharashtra,
Through the Police Inspector,
Rahata Police Station,
Taluka Rahata, District Ahmednagar.
- 2] Jayashree w/o Shriyansh Baid,
C/o Madanlal Kanahayya Ranwal,
Age- 34 years, Occ. Household,
R/o. Roopam Sales (Near Mhasoba Temple),
Nagar Manmad Road, Sakuri, Rahata,
Taluka Rahata, District Ahmednagar.
- ... Respondents.

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Ms. Ashwini A. Lomte h/f Mr. S. J. Salunke, Advocate for the applicants.
Mr. M. M. Nerlikar, APP for Respondent No.1-State.
Mr. Y. S. Choudhari, Advocate for Respondent No.2-Informant.

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**CORAM : SMT. VIBHA KANKANWADI AND
ABHAY S. WAGHWASE, JJ.**

DATE : 09.12.2022

JUDGMENT (ABHAY S. WAGHWASE, J.) :

1. The parents-in-law, sisters-in-law and their husbands have invoked the jurisdiction of this Court under Section 482 of Cr.P.C. praying to quash the FIR bearing No. 0204 of 2022 registered at the instance of respondent no.2 with

Rahata Police Station, District Ahmednagar for the offences punishable under Sections 498-A, 406, 323, 504, 506 r/w 34 of the Indian Penal Code (for short, “IPC”) and the consequential proceedings.

BACKGROUND OF THE CASE

2. According to the informant, she was married to the non-applicant Shriyansh on 26.11.2016. She has described the amount expended by her parents for her marriage and the articles given in marriage. She claims that after marriage, she went to reside with her husband and in-laws at Chandrapur. It is her specific allegation that on the very next day of marriage, her mother-in-law taunted her. The parents-in-law both expressed their dissatisfaction for not being given due honour and proper articles in marriage. According to her, her husband and parents-in-law asked her to bring refrigerator and washing machine. When she refused to put such request to her parents, she was subjected to ill-treatment, beating and even threatened to kill and being driven out of the house if she fails to meet their demand. She has alleged that her sisters-in-law and their husbands ill-treated her and subjected her to mental and physical cruelty i.e. on account of non-fulfillment of demand of Rs.5,00,000/- for purchasing articles. Therefore, getting fed up of such treatment meted out to her, she approached Rahata Police Station and set law in motion, on the strength of which, police registered the above crime.

SUBMISSIONS

3. Learned counsel for the applicants would submit that false, afterthought allegations are levelled by respondent no.2 herein. She pointed out that husband is not a party to the present application. Parents-in-law, who are senior citizens, and sisters-in-law, who have no concern with the alleged demands and even when they were residing separately with their husbands, they along with their husbands are also involved. It is pointed out that it is a clear attempt to rope in entire family. There was no demand as alleged, nor any ill-treatment at the hands of the applicants. Lastly, while concluding, it is submitted that all allegations being baseless, vague and non-specific, the relief as sought deserved to be granted.

4. While opposing the application, learned APP would submit that immediately after marriage, ill-treatment seems to have commenced. Role of each of the applicants herein is spelt out in the FIR. He pointed out that investigation was undertaken and it has revealed that there was demand of Rs.5,00,000/- and on account of non-fulfillment of the same, the newly married informant-respondent no.2 was subjected to maltreatment. There being sufficient material, he prays to dismiss the application.

5. On behalf of respondent no.2, learned Advocate also adopted the above arguments and would submit that there is sufficient material for commission

of offence named in the FIR. All the applicants had indulged in putting up demand, harassment and ill-treatment to respondent no.2. He took us through the FIR as well as statements recorded by police and would pray to dismiss the application.

6. As to when powers under Section 482 of Cr.P.C. can be exercised is fairly settled by slew of judgments including *Inder Mohan Goswami and Anr. Vs. State of Uttaranchal and Ors. ; (2007) 12 SCC 1* and *Mahendra K.C. Vs. State of Karnataka and Another ; (2022) 2 Supreme Court Cases 129*.

7. It is pertinent to note that after giving sufficient hearing to each side, when this Court expressed its disinclination to grant relief as against the parents-in-law i.e. applicant nos. 1 and 2, learned counsel for the applicants, on instructions, sought permission to withdraw the instant application as against them. Therefore, the application only remains for consideration of applicant nos. 3 to 6.

8. On visiting the FIR dated 04.05.2022, it is emerging that the non-applicant Shriyansh and respondent no.2-informant got married on 26.11.2016. It is narrated in the FIR by the informant that immediately i.e. on the very next day of the marriage, the mother-in-law taunted her saying that she had suffered ill-treatment at the hands of her mother-in-law and therefore

she also would do the same. Therefore, such allegations are only against mother-in-law. Similarly, second allegation is that the parents-in-law i.e. applicant nos. 1 and 2 expressed displeasure on account of not fulfilling their desires in the marriage and even for not bringing household articles. She has specifically alleged that parents-in-law beat her. Resultantly, there is material in the FIR as against applicant nos. 1 and 2 and non-applicant husband only.

9. Applicant no.3 seems to be husband of sister-in-law i.e. applicant no.4 and they are resident of Raipur, Chhatisgarh State. Applicant nos. 5 and 6 are residents of Jalgaon. In the opening part of the FIR, informant has stated about going and residing with her husband at Chandrapur. Therefore, it is apparent that sisters-in-law and their husbands were residing separately and rather at different places. The FIR is silent as to when applicant nos. 3 to 6 came to reside with informant and participated in putting up demand or maltreating her. We have also considered the statements of witnesses recorded by the Investigating Officer. Obviously, all such witnesses seem to be near and dear ones of the informant. There does not seem to be any independent witness, moreover, specifically attributing any role to applicant nos. 3 to 6. With such quality of material on record, we are afraid whether they should be allowed to face trial. Apparently, as discussed above, allegations against and roles of present applicant nos. 3 to 6 are non-specific and bald. Their roles are not distinctly defined. Main allegations are against husband and parents-in-

law. Husband is not applicant herein whereas, application to the extent of parents-in-law i.e. applicant nos. 1 and 2 is already withdrawn. The outcome of above discussion is that the application of applicant nos. 3 to 6 deserves to be allowed by exercising powers under Section 482 of Cr.P.C. It would be appropriate to refer to the recent ruling of the Hon'ble Apex Court in the case of *Kahkashan Kausar alias Sonam and others v. State of Bihar and others* ; (2022) 6 SCC 599. Para 18 of the judgment in the said case covers the facts and circumstances of the case in hand. Taking overall view of the above material, we are inclined to grant relief as prayed to the extent of applicant nos. 3 to 6. Hence the following order:

ORDER

- I. The application stands partly allowed.
- II. The application of applicant nos. 1 and 2 i.e. Narendrakumar Virendrakumar Baid and Sunanda w/o Narendrakumar Baid is dismissed as withdrawn.
- III. The application to the extent of applicant nos. 3 to 6 is allowed in terms of prayer clauses [B], [C] and [D].
- IV. The application is accordingly disposed off.

(ABHAY S. WAGHWASE, J.)

(SMT. VIBHA KANKANWADI, J.)