

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

994 CRIMINAL APPLICATION NO.120 OF 2023

1. Neeta w/o Balkrushna Misar (withdrawn)
2. Balkrushna s/o Walmik Misar (withdrawn)
3. Tejaswini d/o Balkrushna Misar
@ Tejaswini w/o Omkar Banswal,
4. Priyanka d/o Balkrushna Misar
@ Priyanka w/o Mayur Joshi ...Applicants

versus

1. The State of Maharashtra
2. Pallavi w/o Yogesh Misar ...Respondents

Advocate for Applicants : Mr. Balraj P. Pande
APP for Respondent No.1: Mr. P.N. Kutti
Advocate for Respondent No.2 : Mr. U.S. Patil

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**CORAM : R. G. AVACHAT AND
SANJAY A. DESHMUKH, JJ.
DATED : 2nd NOVEMBER, 2023.**

PER COURT :-

Learned advocate for the applicants, on instructions, withdraws the application of applicant Nos. 1 and 2. The application of applicant Nos. 1 and 2 stands disposed of as withdrawn.

2. This application is filed under Section 482 of Cr.P.C. for quashment of F.I.R. No. 384 of 2022 registered with Chalisgaon police station for the offence punishable under Section 498-A, 323,

504, 506, 406 of I.P.C. and consequential criminal case being R.C.C. No. 370 of 2022 pending before the learned J.M.F.C. Chalisgaon, district Jalgaon.

3. Respondent No.2 married to co-accused Yogesh, way back in December, 2014. In the marriage, husband and in-laws were given ornaments. Initially for a period of three months of marriage, respondent No.2 was treated well. Thereafter, the husband, his parents and applicants started harassing and ill-treating her in connection with demand of Rs.4,00,000/- for purchase of a pick-up van for proposed transport business of co-accused Yogesh. In 2018, she conceived. The parents took her to their house, as she was not keeping well. A month thereafter, Yogesh brought her back. She was made to pull an iron door whereby her health was deteriorated, as she was pregnant by that time. It has also been stated that she was starved.

4. It has further been averred in the F.I.R. that on 17.05.2015 again her husband and in-laws harassed and ill-treated her and brought her to Manmad Railway station so as to send her back to her parents' house to bring money. It was in February 2016, she was sent to her matrimonial home by her mother. In the meanwhile, she delivered a baby boy. It has further been averred that the harassment and ill-treatment continued. Once she was driven out of her matrimonial home. She had therefore, come back to her parents

house. On 27.01.2019, her husband, his parents and other in laws had been to her parental house for settlement. In the said meeting also all of them picked up a quarrel with her parents and made a demand of Rs.4,00,000/- for purchase of vehicle. Since the ill-treatment became unbearable, respondent No.2 lodged the F.I.R. in September, 2022.

5. Learned advocate for the applicants submit that applicant Nos. 3 and 4 are married sisters-in-law. One of them i.e. respondent No.3 is serving in Dhule whereas respondent No.4 was preparing for competitive examination during the relevant time. According to him, these two applicants had no reason and even occasion to harass and ill-treat respondent No.2. He would further submit that even if the allegations in the F.I.R. are taken as to be true, no specific incident of harassment and ill-treatment by these applicants has been averred. He therefore, urge for grant of application.

6. Learned advocate for respondent No.2 and learned A.P.P. would, on the other hand, advert our attention to the incident dated 27.1.2019 on which day the husband, his parents and sisters-in-law had been to the parental house of respondent No.2 for settlement. At that time, all of them made demand of Rs.4,00,000/-. According to them, the specific incident of harassment and ill-treatment at the hands of the applicants has been highlighted in the F.I.R. No relief of quashment can be granted. They therefore, urge for rejection of the

application.

7. Considered the submissions advanced. Perused the F.I.R. and relevant papers. The married sisters-in-law are before us. Except the incident dated 27.01.2019, the other incidents of alleged harassment and ill-treatment by the present applicants are general, vague and omnibus. So far as the said incident is concerned, it has been averred that all of them insulted the parents of respondent No.2 and made demand of Rs.4,00,000/- as a condition to take her back. Although the incident is stated to have taken place on 27.1.2019, it is difficult to assume that all five accused would come together to make demand of Rs.4,00,000/- for purchase of vehicle for transport business. In respect of the said incident, no further overt act has been attributed to the applicants before us. These applicants are married sisters-in-law. Therefore, we are inclined to grant relief in favour of these applicants.

8. In view of the same, the application is allowed in terms of prayer clause "B" to the extent of these applicants are concerned.

(SANJAY A. DESHMUKH, J.)

(R. G. AVACHAT, J.)

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