

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

CRIMINAL APPLICATION NO. 100 OF 2022

1. Vimalbai Manikrao @ Baburao Gavande
2. Manikrao @ Baburao Gangaram Gavande
3. Kiran Manikrao @ Baburao Gavande
4. Rashtrapal Manikrao @ Baburao Gavande
5. Latabai Suresh Gavande
6. Milind Kishanrao Gaikwad
7. Pratibha Milind Gaikwad
8. Kalabai Kishanrao Gaikwad
9. Gyanchand Kishanrao Gaikwad

..APPLICANTS

VERSUS

1. State of Maharashtra
2. Manisha Vishwanath Gaikwad

..RESPONDENTS

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Mr. A.S. Kulkarni, Advocate for applicants
Mr. P.G. Borade, A.P.P. for respondent no.1 – State
Mr. M.M. Parghane, Advocate for respondent no.2

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**CORAM : R.G. AVACHAT AND
SANJAY A. DESHMUKH, JJ
DATE : 20th JULY, 2023**

PER COURT :

1. This application, under Section 482 of Code of Criminal Procedure, has been filed for quashment of the First Information Report ('F.I.R.'), being Crime No. 405 of 2021 registered with Bhagyanagar Police

Station, Dist. Nanded for the offences punishable under Sections 498-A, 323, 504 and 506 read with Section 34 of the Indian Penal Code and consequential charge-sheet filed in R.C.C. No. 22 of 2022 pending on the file of J.M.F.C., Nnaded.

2. Heard.

3. What can be gathered from the F.I.R. and police papers is that Respondent No.2 – wife married Vishwanath (co-accused) in June 2009. Vishwanath is not before this Court. The applicants herein are the distant relations, including mother-in-law. It appears that Respondent No.2 – wife could not conceive. Her father has purchased a house in her name. The husband and all the present applicants are alleged to have ill-treated her so as to coerce her to transfer the said house in the name of her husband. There are no further allegations.

4. According to learned counsel for Respondent No.2 – wife, the F.I.R. and the police papers contained specific allegations so as to frame charge and proceed against the present applicants.

5. According to us, the submissions made by learned counsel for Respondent No.2 – wife has no foundation, either in the F.I.R. or in the police

statements. To be specific, “It is alleged that all the applicants harassed and ill-treated her from 28th April, 2010 till the date she lodged the F.I.R. in November 2021.” Admittedly, most of the applicants have been residing away from the matrimonial home of Respondent No.2 – wife. The F.I.R. lacks details as to when they had been to her house and in what manner they harassed and ill-treated her. As such, it is a case of vague, general and omnibus allegations against one and all the applicants herein. In these circumstances, allowing the prosecution to proceed against the applicants would be an abuse of process of Court.

6. In view of above, criminal application is allowed in terms of prayer clauses (B) and (B-1).

(SANJAY A. DESHMUKH, J.)
SSD

(R.G. AVACHAT, J.)