

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

CRIMINAL WRIT PETITION NO. 91 OF 2023

1. Anusaya Gangaram Sagare

2. Sujata Gangaram Sagare

3. Nitin Gangaram Sagare

..PETITIONERS

VERSUS

1. State of Maharashtra

2. Samrudhi Vijay Sagare

..RESPONDENTS

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Ms. Manisha Dalve, Advocate i/b Talekar and Associates, Advocate for petitioners

Mr. N.T. Bhagat, A.P.P. for respondent no.1 – State

Ms. N.N. Gore, Advocate for respondent no.2 (appointed)

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**CORAM : R.G. AVACHAT AND
SANJAY A. DESHMUKH, JJ
DATE : 27th JUNE, 2023**

PER COURT :

1. This petition, under Article 226 of the Constitution of India, has been filed for quashment of the First Information Report ('F.I.R.'), being Crime No. 110 of 2022 registered with Bamni Police Station, Dist. Parbhani for the offences punishable under Sections 498-A, 323, 504 and 506 and read with Section 34 of the Indian Penal Code and consequential charge-sheet filed in R.C.C. No. 35 of 2023 pending on the file of J.M.F.C., Jintur.

2. The F.I.R. has been lodged by the informant on 15th September, 2022. The petitioners before us are the step-mother, step-sister and step-

brother-in-law of the informant. It has been averred in the F.I.R. that the informant married co-accused – Vijay in March 2020. Her husband has been serving with State Transport Corporation as a driver. He was addicted to alcohol. The petitioners would instigate the informant's husband to ill-treat her so as to force her to fetch Rs.3 lakh from her parents for purchase of plot at Jintur. They would also starve her. The informant, therefore, went to her parental home and related them her woes. The demand of Rs.3 lakhs could not be met on account of poor financial status of the informant's parents.

3. Learned counsel for the petitioners would submit that relations between the informant's husband and the petitioners is of step relationship. The husband has real sister and brother as well. Petitioner No.3 – step brother-in-law had been staying at Nanded to pursue his education. The same has been admitted by the informant in her supplementary statement. Close reading of the supplementary statement would indicate that according to the informant, Petitioner No.3 – step brother-in-law of the informant would visit her matrimonial home at Jintur every Sunday and used to ill-treat her. According to learned counsel for the petitioners, since the allegations/averments in the F.I.R. and police statements of relations of the informant are general and omnibus, allowing the petitioners to face trial based on such material would be an abuse of process of Court.

4. Learned A.P.P. and learned counsel for Respondent No.2 – informant would, on the other hand, submit that the F.I.R. suggests manner in which the informant was being ill-treated by the petitioners. The statements of relations of the informant reinforce averments in the F.I.R. As such, there is prima facie material to proceed against the petitioners. They, therefore, urged for dismissal of the petition.

5. Considered the submissions advanced. Perused the F.I.R. and related police papers. The informant married co-accused Vijay in March 2020. The petitioners are the step-mother, step-sister and step-brother-in-law of the informant. According to the informant, her husband was an alcoholic and he would, therefore, ill-treat her under the influence thereof. What has been alleged against the present petitioners is that they used to instigate the informant's husband to ill-treat her to bring Rs.3 lakhs from her parents. It has also been alleged that the petitioners had manhandled the informant and even starved her. Admittedly, the informant lived with her husband for little over two years. No details as to when and in what manner the petitioners had ill-treated her been narrated in the F.I.R. Even the statements of the witnesses and averments in the F.I.R. are general and omnibus. The informant in her supplementary statement tried to explain contending that Petitioner No.3 – step brother-in-law would reside at Nanded. He used to visit Jintur on every Sunday and ill-treat her. These allegations are general

and as vague as could be. Allowing the petitioners to face trial based on such material would be an abuse of process of Court.

6. In view of above, criminal writ petition is allowed in terms of prayer clauses (B) and (D).

7. Fees of Ms. N.N. Gore, learned counsel appointed to represent Respondent No.2 – informant is quantified at Rs.7,000/- (Rupees Seven Thousand).

(SANJAY A. DESHMUKH, J.)
SSD

(R.G. AVACHAT, J.)