

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 311 OF 2023

1. Dhananjay Mohan Zombade (withdrawn)
2. Gojarbai Mohan Zombade
3. Balaji s/o Mohan Zombade
4. Nanasaheb s/o Mohan Zombade
5. Pushpa Nanasaheb Zombade
6. Vaishali Subhash Adsul
7. Subhash Dnyanoba Adsul ...Applicants

versus

1. The State of Maharashtra
2. Prachi w/o Dhananjay Zombade ...Respondents

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Mr. Ganesh J. Kore, advocate for the applicants
Mr. Y.G. Gujrathi, A.P.P. for respondent No.1
Mr. Rani R. Tandale, advocate for respondent No.2 (appointed)

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**CORAM : R. G. AVACHAT AND
SANJAY A. DESHMUKH, JJ.
DATED : 19th OCTOBER, 2023.**

ORDER (PER SANJAY A. DESHMUKH, J.):

1. This application has been filed under Section 482 of Cr.P.C. for quashment of F.I.R. No. 277 of 2020 registered with Anandnagar Police Station, Osmanabad for the offences punishable under Sections 498-A, 323, 504, 506 and 34 of I.P.C. and the

consequential criminal case bearing R.C.C. No. 902 of 2020 pending before the J.M.F.C. Osmanabad.

2. The informant averred in the report that she married with co-accused Dhananjay Mohan Zombade on 03.12.2017. After the marriage, she cohabited with him for five months. Thereafter, her husband and all other applicants started to harass her. She was blessed with a child but unfortunately that child died. It is alleged that because of the harassment at the hands of the applicants and threats to kill her, she made complaint to the Women Redressal Cell at Osmanabad. The matter was subsequently compromised and she went to cohabit with her husband at Pune. But again she was treated with cruelty. She was expelled from the house. On 09.02.2020, when her father-in-law died, the informant and her parents went at her matrimonial home to attend the funeral and returned back. On 9.3.2020, the parents of the informant took her to her matrimonial home for cohabitation. At that time, the applicants had demanded Rs.5,00,000/- and expelled her from the house. She was kept on starvation and for entire night she was out of the house. Therefore, she lodged N.C. No 265 of 2020 against the applicants and her husband. She even made an application to Tanta Mukti Committee on 23.5.2020. Thereafter, her husband filed a petition for divorce. The application filed by the informant before Tanta Mukti Committee was subsequently disposed of. Thereafter, she lodged the report.

3. Learned advocate for the applicants submitted that after filing of petition for divorce and proceeding under the Protection of Women from Domestic Violence Act, 2005, the informant has lodged a false report against the applicants and her husband. All the allegations are vague and omnibus and no specific allegations are made against the applicants to show that they treated her with cruelty. Their role is not specified in the report or in the entire charge sheet. He lastly prayed to allow the application.

4. Learned A.P.P. for the State and learned advocate for respondent No.2 strongly opposed the application by contending that the report itself shows names of the applicants that they treated respondent No.2-informant with cruelty. She was harassed for Rs.5,00,000/-. It is lastly prayed to reject the application.

5. Perused the charge sheet and other relevant documents. The names of the applicants are mentioned in the report. Most of the applicants are residing at Pune. No any incident of causing cruelty allegedly occurred at Pune when the informant was residing with her husband at Pune, is mentioned in the report. All the allegations made against the applicants are vague and omnibus. No specific role any of the applicants with any incident of cruelty is spelt out in the F.I.R. Considering all these aspects and in the absence of material, it would not be proper to compel the applicants to face the trial as it would be an abuse of process of the Court. The application therefore, deserves

to be allowed.

6. In view of the above, the application is allowed in terms of prayer clause "B".

7. The applicants shall pay an amount of Rs.10,000/- (Rupees Ten thousand only) to learned advocate for respondent No.2, appointed to represent respondent No.2, within two weeks from today.

8. List the matter on 02.11.2023 for compliance of this order.

(SANJAY A. DESHMUKH, J.)

(R. G. AVACHAT, J.)

rlj/