

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

CRIMINAL APPLICATION NO.240 OF 2019

Dayanand s/o Pralhad Magar & ors. ... **APPLICANTS**

VERSUS

The State of Maharashtra & anr. ... **RESPONDENTS**

.....
Mr. M.L. Dharashive, Advocate for applicants
Mr. N.T. Bhagat, A.P.P. for respondent No.1.
Ms S.C. Swami, Advocate for respondent No.2.
.....

**CORAM : R.G. AVACHAT AND
SANJAY A. DESHMUKH, JJ.**

DATE : 21st JUNE, 2023

ORDER :

Heard. This application has been moved for quashment of F.I.R. and the consequential charge sheet in R.C.C. pending on the file of learned Judicial Magistrate, First Class, Latur.

2. The F.I.R. has been lodged by the respondent - wife on 19/7/2018. It has been averred therein that, she married the co-accused Vijay in March 2014 and they started residing at the matrimonial home. The applicants herein are the parents, brothers and sister-in-law of the informant. It has been alleged that the husband was alcoholic. He would ill-treat her physically and

mentally as well. It has further been alleged that, the present applicants and co-accused - husband would ill-treat her for one or the other reason. She was asked to fetch Rs.1 Lakh from her parents for purchase of an autorickshaw. The applicants had even starved her and physically assaulted as well.

On the same line are the statements of the relations of the respondent - wife.

3. The learned counsel for the respondent - wife and the learned A.P.P. would submit that, the averments in the F.I.R. and the statements of the witnesses make out involvement of the applicants in the crime in question. This much is the material sufficient to proceed against them. They, therefore, urged for rejection of the application.

4. Learned counsel for the applicants took us through the F.I.R. and statements of relations of the informant.

5. The allegations in the F.I.R. are general in nature. No details as to when and how the informant was ill-treated, have been given. Three of the applicants are married sisters-in-law. They had married before the marriage of the informant. The F.I.R. is silent to state as to when these sisters-in-law had an occasion to visit their parental house to ill-treat the informant. As such, it is a case of general allegations without there being details thereof. In such

circumstances, allowing the prosecution to proceed against the applicants would be sheer abuse of Court. Hence the order :

ORDER

(i) The criminal application is allowed in terms of prayer clauses (D) and (D-II). The F.I.R. bearing No.0231/2018, registered at Gandhi Chowk Police Station, Latur for the offence punishable under Sections 498(A), 323, 504 read with Section 34 of the Indian Penal Code and the consequential charge sheet bearing No.104/2018, and R.C.C. No.583/2018, pending before the learned Judicial Magistrate, First Class, Latur are quashed.

(SANJAY A. DESHMUKH, J.)

(R.G. AVACHAT, J.)

fmp/-