

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

CRIMINAL APPLICATION NO.260 OF 2021

1. Vishnu s/o. Ramji Wagadkar,
 2. Sumanbai w/o. Ramji Wagadkar,
 3. Ramji s/o. Satwaji Wagadkar,
 4. Adinath s/o. Ramji Wagadkar,
 5. Shobhabai w/o. Shivaji Wagadkar,
 6. Amit s/o. Shivaji Wagadkar,
 7. Gayabai w/o. Satwaji Wagadkar,
 8. Manisha w/o. Kailas Dhole,
 9. Datta s/o. Ramji Jangewad
- ..Applicants

Vs.

The State of Maharashtra
and ors.

..Respondents

Mr.S.G.Kawade, Advocate for applicants
Mr.N.T.Bhagat, APP for respondent no.1
Mr.A.V.Lavte, Advocate for respondent no.2

**CORAM : R.G.AVACHAT AND
SANJAY A. DESHMUKH, JJ.
DATE : JUNE 30, 2023**

ORDER :-

Learned counsel for the applicants, on instructions, seeks
leave to withdraw the application of applicant no.1 – husband.

2. The application of applicant no.1 – husband stands
disposed of as withdrawn.

3. This is an application under Section 482 of the Code of Criminal Procedure for quashment of the FIR, being Crime No.0005 of 2021, registered with Police Station, Mondha, Parbhani, for the offences punishable under Sections 498-A, 323, 504 read with Section 34 of Indian Penal Code and the consequential proceedings in R.C.C. No.123 of 2022.

4. The case of the prosecution, as is disclosed from the FIR and related papers is, that the informant/respondent no.2 married applicant no.1 in May, 2019. Thereafter, she started residing at her matrimonial home at village Kalamb. Applicant no.1 was in government service at Kalamb, whereas, the matrimonial home of the informant was at Wakad, Tq. Bhokar, Dist. Nanded. After a fifteen days stay at the matrimonial home, the informant along with her husband and paternal mother-in-law started residing at Kalamb, workplace of applicant no.1. According to the informant, applicant no.1 was suspended from service and therefore, was not paid salary. He, therefore, harassed and ill-treated her to fetch money from her parents for day-to-day need. She obtained money from her parents for about 6-7 months. It has further been alleged that the paternal mother-in-law would ill-treat her for one or the other reason. She

would not allow her to have privacy in the company of applicant no.1.

5. Close reading of the FIR and related papers lead us to observe that there are no allegations about ill-treatment at the hands of applicant nos.2 to 9 with a view to coerce the informant to fetch money from her parents. The allegations in that regard are general and vague. Even, the foster mother-in-law is not spared. Same is the case of the maternal sister-in-law, i.e. applicant no.8 – Manisha. The gist of the allegations in the FIR indicate the informant to have stayed at her matrimonial home for fifteen days only. The informant and her husband, thereafter, stayed at the workplace of the husband. Only with a view to make out the offence, it has been averred that some of the applicants ill-treated her for unlawful demand of money. The incident dated 21.10.2020 has been highlighted in the FIR. Based on the same, a non-cognizable offence was registered. Same suggests that the averments in the non-cognizable complaint did not relate to the ill-treatment in connection with the unlawful demand.

6. In our view, therefore, allowing applicant nos.2 to 9 to face the prosecution based on such allegations, would be an abuse

of the process of Court. We are, therefore, inclined to allow the application.

7. The application is allowed in terms of prayer clause (B) qua applicant nos.2 to 9. The FIR being Crime No.0005 of 2021, registered with Police Station, Mondha, Parbhani, for the offences punishable under Section 498-A, 323, 504 read with Section 34 of Indian Penal Code and the consequential proceedings in R.C.C. No.123 of 2022, qua applicant nos.2 to 9, stand quashed .

[SANJAY A. DESHMUKH, J.]

[R.G. AVACHAT, J.]

KBP