

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

CRIMINAL WRIT PETITION NO. 225 OF 2022

1. Shrinath Balasaheb Dandge (withdrawn)
2. Balasaheb Bhanudas Dandge (withdrawn)
3. Gangubai Balasaheb Dandge (withdrawn)
4. Rajendra Balasaheb Dandge (withdrawn)
5. Ashwini Rajendra Dandge (withdrawn)
6. Sunita Sudhir Suste
7. Sudhir Kisanrao Suste
8. Anita Anil Salunke
9. Anil Ankushrao Salunke
10. Janardhan Tulshiram Bakal
11. Bhaginath Kisanrao Ambhore
12. Kisanrao Sanduji Suste .. Petitioners

Versus

1. The State of Maharashtra
Through Secrtary,
Home Department, Mantralaya, Mumbai.
2. Police Inspector,
Police Station, Chikalthana Gramin
Tq. And Dist. Aurangabad.
3. Vanita Shrinath Dandge .. Respondents

Smt. Shubhangi D. More, Advocate for the Petitioners.
Mr. S. N. Morampalle, AGP for Respondent Nos. 1 and 2.
Mr. Rajendra N. Chavan, Advocate h/f Mr. V. A. Bagdiya, Advocate for
Respondent No. 3.

**CORAM : R. G. AVACHAT AND
KISHORE C. SANT, JJ.**

DATED : 01st NOVEMBER, 2023.

PER COURT :-

- . Heard learned advocates for the parties for quite some time.
2. This petition is filed for quashing of FIR lodged by respondent No. 3 for the offences punishable under Sections 498-A, 323, 504, 506 r/w Section 34 of the Indian Penal Code. Learned advocate for the petitioners vehemently argued that there are no specific allegations made against the petitioner Nos. 6 to 12. She has already withdrawn the petition for petitioner Nos. 1 to 5. She further submits that even if the allegations in the FIR are taken as it is, still no offence is made out against the petitioner Nos. 6 to 12. The petitioner Nos. 6 and 8 happen to be sisters of husband. The petitioner Nos. 7 and 9 are their husbands. They are residing separately. The petitioner Nos. 10, 11 and 12 are distant relatives and are not concerned with the family of respondent No. 3 as they are residing separately.
3. Learned advocate for respondent No. 3 vehemently opposes the petition stating that all these persons are persons who always instigate

the husband and at their instigation the husband has ill treated the wife. He further submits that, there are specific instances dated 20.09.2020 and 11.10.2019 mentioned in the FIR.

4. This Court has gone through the FIR. This Court has specifically seen the contents of FIR as regards the incidents dated 20.09.2020 and 11.10.2019. It is seen that the allegations are vague and omnibus and no specific role is attributed to any of the petitioners.

5. Learned advocate for respondent No. 3 submits that even after compromise wife was being ill treated at the hands of these petitioners and therefore, she was required to lodge another FIR on 24.04.2023. It shows the conduct of the parties and this fact also shows that this is not a case for quashing of FIR.

6. Considering this, this Court finds that this FIR is lodged after more than three years of incident. This Court need not go into contents of FIR dated 24.04.2023. For the reasons recorded above this Court finds that, a case is made out to allow the writ petition.

7. The criminal writ petition is allowed.

8. The FIR dated 09.12.2021 and subsequent proceedings of R.C.C. No. 238/2022 pending before the Court of learned J.M.F.C., Aurangabad stands quashed to the extent of petitioner Nos. 6 to 12.

9. With this, the criminal writ petition stands disposed off.

(KISHORE C. SANT)
JUDGE

(R. G. AVACHAT)
JUDGE

PS.B.