

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

CRIMINAL APPLICATION NO. 625 OF 2023

1. Jalindar Sukhdev Tapse
2. Rukminbai Sukhdev Tapse
3. Sukhdev Nivruti Tapse
4. Ramesh Sukhdev Tapse
5. Sunita Ramesh Tapse
6. Manisha Dadarao Kambale
7. Dadarao Rajaram Kambale
8. Sindhu Premchand Sarje

..APPLICANTS

VERSUS

1. State of Maharashtra
2. Dnyaneshwari Jalindar Tapse

..RESPONDENTS

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Mr. N.R. Thorat, Advocate for applicants

Mr. M.M. Neralikar, A.P.P. for respondent no.1 – State

Mr. K.P. Rathod, Advocate for respondent no.2 (appointed)

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CORAM : R.G. AVACHAT AND

SANJAY A. DESHMUKH, JJ

DATE : 04th JULY, 2023

PER COURT :

1. In spite of service of notice, name of the learned counsel appointed to represent Respondent No.2 is not reflected on the board. Office to do the needful.

2. Learned counsel for Applicant No.1 – husband, on instructions, withdraws his application. Application thus stands disposed of as withdrawn so far as Applicant No.1 is concerned.

3. Present application, under Section 482 of Code of Criminal Procedure, has been filed for quashment of First Information Report ('F.I.R.'), being Crime No. 165 of 2022 registered with Wadwani Police Station, Dist. Beed for the offences punishable under Sections 498-A, 323, 504 and 506 read with Section 34 of the Indian Penal Code and consequential Charge-sheet No. 72 of 2022 pending on the file of J.M.F.C., Wadwani.

4. Case of the prosecution, as is disclosed from the F.I.R. and police papers, is that the informant – Respondent No.2 (wife) married Jalindar (co-accused) in May 2005. The couple is blessed with two children. The husband and other in-laws (applicants herein) started ill-treating her two years after the marriage until she lodged the F.I.R. in August 2022. In short, it is the case of Respondent No.2 – wife that she has been ill-treated from 2007 to August 2022. The applicants herein are her in-laws. They are alleged to have ill-treated, abused and starved her as well so as to force her to fetch Rs.10 lakhs from her parents for purchase of a flat.

5. Learned A.P.P. and learned counsel for Respondent No.2 also adverted our attention to the statements of children to submit that averments

in the F.I.R. gets reinforced and therefore, it is for the trial Court to decide the matter on its own merits.

6. Considered the submissions advanced. Perused the F.I.R and related police papers. Neither the F.I.R. nor the statements of children give any specific incident of harassment or ill-treatment in connection with demand of Rs.10 lakhs for purchase of a flat. The allegations are general, vague and omnibus as could be. One may find it illogical to imagine Respondent No.2 - wife to have continued to suffer such ill-treatment for over fifteen years. We find it a case fit to grant the applicants relief except Applicant No.1.

7. In view of above, criminal application is allowed, so far as Applicant Nos. 2 to 8 are concerned, in terms of prayer clause (B), subject to deposit of Rs.10,000/- (Rupees Ten Thousand) in this Court within a week. Depositing the cost is a condition precedent to grant the relief.

8. Fees of Mr. K.P. Rathod, learned counsel, appointed to represent Respondent No.2, is quantified to Rs.7,000/- (Rupees Seven Thousand).

9. List the matter on 11th July, 2023 for compliance of order.

(SANJAY A. DESHMUKH, J.)

(R.G. AVACHAT, J.)

SSD