

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

CRIMINAL APPLICATION NO. 667 OF 2022

1. Vasanti Haridas Bawaskar
Age: 52 years, Occu.: Household

2. Haridas Khandu Bawaskar
Age: 62 years, Occu.: Retired,

Both R/o Plot No.6, Raje Sambhaji Colony,
Harsual, Aurangabad,
Dist. Aurangabad

3. Shankar Khandu Bawaskar
Age: 60 years, Occu.: Retired,
R/o Gokul Nagar, Surewadi,
Harsul, Aurangabad,
Dist. Aurangabad

..APPLICANTS

VERSUS

1. State of Maharashtra
Through it's Zilla Peth Police Station,
Jalgaon, Tq. & Dist. Jalgaon

2. Megha Dilip Netke
Age: 25 years, Occu.: Household,
R/o 7-A, Wankhede Colony,
Near Civil Hospital, Zilla Peth,
Jalgaon, Dist. Jalgaon

..RESPONDENTS

....

Mr. V.B. Patil, Advocate for applicants
Mr. M.M. Neralikar, A.P.P. for respondent no.1 – State
Mr. J.V. Patil, Advocate for respondent no.2

....

**CORAM : SMT. ANUJA PRABHUDESSAI AND
R.M. JOSHI, JJ.**

DATE : 17th JANUARY, 2023

PER COURT :

1. This is an application under Section 482 of Code of Criminal Procedure filed by the aforestated applicants to quash the F.I.R. bearing C.R. No. 68 of 2021 registered with Zilla Peth Police Station, Dist. Jalgaon and consequent Charge-sheet no. 110 of 2021 and R.C.C. No. 1012 of 2021 pending on the file of Chief Judicial Magistrate, Jalgaon for the offences under Sections 406, 294, 377, 417, 420, 498-A read with Section 34 of the Indian Penal Code.

2. Heard finally with consent of learned counsel for the applicants, learned A.P.P. and learned counsel for Respondent No.2. We have perused the records and considered the submissions advanced by learned counsel for the respective parties.

3. The Respondent No.2 is the daughter-in-law of the Applicant Nos. 1 and 2. Applicant No.3 is the cousin of Applicant No.2. The marriage of Respondent No.2 and son of Applicant Nos. 1 and 2 was solemnized on 09th January, 2021. The Respondent No.2 lodged the F.I.R. on 25th February, 2021 alleging that her husband had subjected her to cruelty. The allegations in the F.I.R. are that she was informed that her husband was a teetotaller and that he was working as a Lecturer on permanent basis in Shri Sai Polytechnic College of Engineering, Aurangabad. Immediately after her marriage she learnt that her husband used to drink alcohol and further that he was not

employed on permanent basis and his salary was not Rs.6 lakhs per annum. She claimed that her husband had also mentioned incorrect date of birth in his bio-data. Respondent No.2 claims that her husband abused and insulted her whenever she questioned him about his habits and deceit. She also accused her husband of subjecting her to unnatural sex within the meaning of Section 377 I.P.C.

4. The contents of the F.I.R. when perused reveal that the allegations of cruelty are essentially against the husband. The Respondent No.2 has also made omnibus allegations against all the applicants of demand of dowry. It is further stated that the Applicant No.3, who is the brother of Applicant No.2, used to occasionally visit her matrimonial house and at his instance the husband would assault her. It is stated that Applicant No.1 had furnished a fabricated date of birth in the bio-data to the grand-father of Respondent No.2.

5. It is well settled that the relatives of the husband cannot be roped in on the basis of omnibus allegations unless specific instances of their involvement in the crime are made out. In the instant case, the F.I.R. lacks such specific particular does not attribute any specific role as against these applicants. Learned A.P.P. concedes that there is no material on record to indicate that the date of birth mentioned in the bio-data is erroneous or that

the applicants had fabricated the date of birth in the bio-data. The material on record does not disclose any cognizable offence against these applicants; who are the parents and uncle of the husband. They have been dragged into this matrimonial dispute by making omnibus allegations. The case in hand, in our considered view, is squarely covered by illustrations 1 and 3 in ***State of Haryana Vs. Bhajan Lal, 1992 AIR 604***. Hence, this is a fit case to exercise jurisdiction under Section 482 Cr.P.C. to prevent abuse of the process of Court.

6. In the circumstances, criminal application is allowed. Consequently, the F.I.R. bearing C.R. No. 68 of 2021 registered with Zilla Peth Police Station, Dist. Jalgaon and consequent Charge-sheet no. 110 of 2021 and R.C.C. No. 1012 of 2021 pending on the file of Chief Judicial Magistrate, Jalgaon for the offences under Sections 406, 294, 377, 417, 420, 498-A read with Section 34 of the Indian Penal Code stand quashed qua the applicants.

(R.M. JOSHI, J.)

SSD

(SMT. ANUJA PRABHUDESSAI, J.)