



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

88 CRIMINAL APPLICATION NO. 890 OF 2022

1. Santosh Gulab Dhuttalmaal (Sanju Gulab Dhuttalmaal)
 2. Balu Gulab Dhuttalmaal
 3. Subhash Gulab Dhuttalmaal
 4. Laxman Gulab Dhuttalmaal
 5. Sarika Santosh Kamble
(Pingal Santosh Kamble)
 6. Santosh Sopan Kamble
- ...Applicants

versus

1. The State of Maharashtra
 2. Mohini Vilas Dhuttalmaal
- ...Respondents

...
Advocate for Applicant : Mr. Syed G R
APP for Respondent No.1: Mr. A.R. Kale
Advocate for Respondent No.2 : Mr. F.N. Shaikh

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**CORAM : R. G. AVACHAT AND
SANJAY A. DESHMUKH, JJ.
DATED : 18th DECEMBER, 2023.**

O R D E R (PER SANJAY A. DESHMUKH, J.):

1. This application is filed under Section 482 of Cr.P.C. for quashing of F.I.R. No. 250 of 2021, registered with Pimpalner police station, district Beed for the offences punishable under Sections 498-A, 323, 504 r.w. 34 of I.P.C. and the consequential criminal proceeding bearing R.C.C. No. 250 of 2022 pending before the J. M. F. C. Beed.

2. The informant averred in the report that her marriage was

performed on 16.8.2020. Initially, for a period of three months, she was treated well and thereafter, when she was pregnant, her husband and in-laws etc. started ill-treating her by demanding Rs.1,00,000/-. Thereafter, she was continuously harassed on that count. She was expelled from the house. She made an application to the Women's Grievance Redressal Forum, Beed, however, the compromise could not take place. Therefore, she lodged the report.

3. Learned advocate for the applicants submitted that applicant Nos. 1 to 4 are brothers of husband of respondent No.2, respondent No.5 is sister-in-law of respondent No.2-informant whereas applicant No.6 is the husband of sister-in-law of respondent No.2. Learned advocate for the applicants submitted that their role is not specified in the report and the statements of witnesses. Omnibus allegations are made. It is lastly prayed to allow the application.

4. Learned A.P.P. for respondent No.1 State has strongly opposed the application. Learned advocate for respondent No.2 submitted that there are serious allegations of demand of Rs.1,00,000/- on the part of the applicants and other accused. He pointed out that in the application submitted to the Women's Grievance Redressal Forum, Beed by respondent No.2, she had specifically mentioned how the applicants treated her with cruelty. He pointed out para Nos. 2, 3 and 4 of the said application in which similar allegations are made.

5. Perused the charge sheet and the report. The report does not spell out the role of the applicants as to the exact date and time and the manner in which they treated respondent No.2 with cruelty. No any specific incident of ill-treatment is mentioned. As far as application dated 18.12.2021 is concerned, there are also allegations against the applicants and other accused, however, no any specific incident with date and time is mentioned. Some allegations made in the complaint filed before Women's Grievance Redressal Forum are not sufficient to infer cruelty. From entire charge sheet, the role of the applicants is not spelt out. Mere mentioning the names of applicants in the report and other statements of the witnesses does not establish essential ingredients of cruelty as contemplated under Section 498-A of I.P.C. On such omnibus allegations, if the applicants are compelled to face the trial, it would be certainly abuse of process of the court.

6. We are, therefore, inclined to allow the application. The application is therefore, allowed in terms of prayer clause "B".

7. The application is accordingly disposed of.

(SANJAY A. DESHMUKH, J.)

(R. G. AVACHAT, J.)

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