

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

972 CRIMINAL APPLICATION NO.624 OF 2021

- 1) Satish s/o. Ashok Bagul,
- 2) Ashok s/o Motiram Dhangar,
- 3) Ushabai w/o Ashok Dhangar,
- 4) Samadhan s/o. Ashok Dhangar,
All r/o. Nayanagar, Ghotane Nihali,
Nandurbar, Tq. & Dist. Nandurbar
- 5) Hilal s/o Popat Dhangar,
- 6) Ashabai w/o Hilal Dhangar,
- 7) Mahindra s/o Hilal Dhangar,
No. 5 to 7 r/o. Ranipura, Holi
Chowk, Dondaicha, Tq. Shindakheda,
Dist. Dhule.
- 8) Sunandabai w/o Asaram Dhangar,
R/o. Methi, Tq. Shindakheda,
Dist. Dhule.
- 9) Meerabai w/o Bhila Dhangar,
- 10) Anita w/o Anil Dhangar,
No. 9 & 10 r/o. Ranipura, Dhangar
Galli, Dondaicha, Tq. Shindakheda,
Dist. Dhule.

... Applicants

VERSUS

- 1) The State of Maharashtra,
Through Nandurbar Police Station,
Nandurbar, Tq. & Dist. Nandurbar.
- 2) Priya w/o Santosh Bagul,
r/o. Plot No. 10A, Venkatesh Nagar,
C.B. Garden Road, Nandurbar,
Tq. & Dist. Nandurbar.

... Respondents.

...

Advocate for Applicants : Mr. D. A. Mane h/f Mr. D.M. Pingale

APP for Respondent No. 1 : Mr. S.J. Salgare

Advocate for Respondent No. 2 : Mr. Ruchir S. Wani

CORAM : **MANGESH S. PATIL &
M. M. SATHAYE, JJ.**

DATE : **08.03.2023**

PER COURT :

Heard.

2. Invoking the powers of this Court under Section 482 of the Code of Criminal Procedure, the petitioners are seeking quashment of the Crime No. 317/2019, registered with Nandurbar Police Station and the consequent Charge-sheet No. 42/2020 submitted before the Judicial Magistrate First Class, Nandurbar for the offences punishable under Section 498A, 323, 504, 506 read with Section 34 of the Indian Penal Code.

3. After hearing the arguments of both the sides, when we express our disinclination to grant any relief to the applicants No. 1 to 4, who are the husband, parents in law and brother in law of the respondent No. 2, their learned advocate, on instructions, seeks leave to withdraw the application to their extent.

4. So far as the rest of the applicants who are the distant relatives of the husband of the respondent No. 2, a bare look at the F.I.R., the complaint lodged by the respondent No. 2 with the Women's Grievance Cell as also the statements of the witnesses reveal that they have been merely named without expressly indicating the exact role played by them in, firstly, demanding the money and secondly, subjecting the respondent No. 2 to cruelty to compel her to meet the demand. The only episode referring them is regarding the incident dated 29.09.2019 at 8 p.m. allegedly occurred in the parental house of the respondent No. 2, wherein it is alleged that all the applicants had arrived there and by threatening her and her parental side relations declared that they would allow her to resume cohabitation only if the demand for money was met and subsequently having carried out the assault.

5. Again, all the applicants have been referred to conjointly without attributing any specific overt act to any of the applicants No. 5 to 10.

6. Similar is the state of affairs, as far as the statements of the witnesses Pradeep Dhumal and Rahul Shinde who are apparently independent

witnesses. They have stated *inter alia* about presence of the applicants No. 5 to 10 along with rest of the applicants at the time of incident which they overheard while passing nearby.

7. Considering the material collected by the Investigating Officer, except the bald and omnibus statements roping in all the applicants including the applicants No. 5 to 10, there is no material worth the name to indicate the role played by each of them.

8. The case is squarely covered by the decisions of the Supreme Court in the matters of ***Kumari Geeta Mehrotra and Anr. Vs. State of U.P. and Anr.; AIR 2013 SC 181, Kahkashan Kausar @ Sonam and Ors. Vs. State of Bihar and Ors. (Criminal Appeal No.195/2022 decided on 08.02.2022)] (2022) 6 SCC 599*** and ***Preeti Gupta and Anr. V. State of Jharkhand and anr; AIR 2010 SC 3363.***

9. It would be abuse of process of the Court if the applicant Nos. 5 to 10 are allowed to face the trial based on such omnibus and vague statements. There is every room to believe that they have been roped in with an ulterior motive.

10. The Criminal Application is partly allowed. We quash and set aside the Crime No. 317/2019, registered with Nandurbar Police Station and the consequent Charge-sheet No. 42/2020 pending before the Judicial Magistrate First Class, Nandurbar for the offences punishable under Section 498A, 323, 504, 506 read with Section 34 of the Indian Penal Code to the extent of applicants No. 5 to 10.

11. The Criminal Application to the extent of the applicants No. 1 to 4 is dismissed as withdrawn.

(M. M. SATHAYE, J.)

(MANGESH S. PATIL, J.)

mkd/-