

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

CRIMINAL APPLICATION NO. 642 OF 2021

1. Ananta Prakashrao Deshmukh
2. Vijaymala Prakashrao Deshmukh
3. Rajesh Prakashrao Deshmukh
4. Pralhadrao Shesherao Deshmukh
5. Bebitai Parasram Gaikwad
6. Parasram Nilkanth Gaikwad
7. Shubhangi Swapnil Wagh
8. Swapnil Manohar Wagh
9. Pandurang Nivruttirao Jadhav
10. Bhimrao Shesherao Magar

..APPLICANTS

VERSUS

1. State of Maharashtra
2. Prabhavati Ananta Deshmukh

..RESPONDENTS

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Mr. S.R. Bagal, Advocate for applicants
Mr. A.R. Kale, A.P.P. for respondent no.1 – State
Mr. A.B. Shinde, Advocate for respondent no.2

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**CORAM : R.G. AVACHAT AND
SANJAY A. DESHMUKH, JJ
DATE : 05th JULY, 2023**

PER COURT :

1. This application, under Section 482 of Code of Criminal Procedure, has been moved for quashment of First Information Report ('F.I.R.') being Crime No. 264 of 2020 registered with Hadgaon Police

Station, Dist. Nanded for the offences punishable under Sections 498-A, 323, 504, 506 and 294 read with Section 34 of the Indian Penal Code and consequential charge-sheet filed in R.C.C. No. 69 of 2021 pending on the file of J.M.F.C., Hadgaon.

2. Application has already been disposed of as withdrawn as against Applicant Nos. 1 and 2.

3. Heard.

4. Gist of the prosecution case, as is disclosed from the F.I.R. and police papers is that Respondent No.2 – wife married Anant (co-accused) in May 2017. After marriage, she started residing at her matrimonial home at Waglud, Dist. Washim. The applicants, in-laws of Respondent No.2 – wife are alleged to have instigated co-accused – Anant (husband) and his mother to ill-treat her with a view to coerce her to fetch Rs.5 lakhs for opening of a shop and Rs.10 lakhs for payment of donation to secure her job as a teacher. It has further been alleged that such ill-treatment continued all along. In August 2017, the husband and mother-in-law administered her thirty tablets of insecticides. She was, therefore, admitted to Government Hospital, Washim. Meanwhile she conceived. She was not being taken care of during her pregnancy. Her father, therefore, took her to his home. She delivered a baby

in October 2018. The husband, thereafter would visit her parent's house in a drunken condition and made a scene many a time for a demand of Rs.15 lakhs. One incident dated 10th August, 2022 has also been described in the F.I.R. Statements of relations of Respondent No.2 – wife are consistent with the averments in the F.I.R.

5. Learned counsel for the applicants would submit that there are general, vague and omnibus allegations. No particular incident of ill-treatment at the hands of applicants has been described. Husband and mother-in-law have withdrawn their application. The F.I.R. has been registered pursuant to order passed under Section 156(3) of the Code of Criminal Procedure ('Cr.P.C.'). He, therefore, urged for allowing the application.

6. Learned counsel for Respondent No.2 - informant and learned A.P.P., on the other hand, took us through the F.I.R. and related police statements to submit the incidents of ill-treatments have been described therein. The applicants had instigated the husband and mother-in-law of Respondent No.2 – wife to ill-treat her. According to them, veracity of the allegations in the F.I.R. cannot be tested in this proceeding. They, therefore, urged for rejection of the application.

7. Considered the submissions advanced. Perused the F.I.R. and related police papers.

8. The F.I.R. runs into not less than eight pages. The same suggests to have been drafted by a legal practitioner. The crime came to be registered pursuant to the order passed under Section 156(3) of Cr.P.C. Close reading of the F.I.R. and related police papers would indicate Respondent No.2 – wife to have grievance against her husband and mother-in-law. Both of them have withdrawn their application. Present applicants are relations of husband of Respondent No.2 – wife. One of the respondents is a step brother-in-law. Most of the applicants are married sisters and brothers-in-law of Respondent No.2. What has been alleged in the F.I.R. is that the present applicants had instigated the husband and his mother to ill-treat the informant so as to coerce her to fetch Rs.15 lakhs from her parents. The F.I.R. is silent to state as to when and in what manner present applicants had instigated them to ill-treat her. Admittedly, Respondent No.2 – wife left the matrimonial home for delivery somewhat in September 2018. Since then she did not return to her matrimonial home. The F.I.R. has been lodged in December 2020. As such, the alleged ill-treatment by the applicants dates back to a period of not less than two years preceding registration of the F.I.R. It is reiterated that since the allegations against the present applicants are not specific, directing them

to face trial based on such material would be an abuse of process of Court.
Therefore, we are inclined to allow the application.

9. In view of above, criminal application is allowed in terms of prayer clauses (C) and (C1) so far as Applicant Nos. 3 to 10 are concerned.

SSD (SANJAY A. DESHMUKH, J.)

(R.G. AVACHAT, J.)