

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

958 CRIMINAL APPLICATION NO.1034 OF 2022

- 1) Amol s/o Babasaheb Gholap,
Age 32 years, Occ. Service,
R/o. C/o. Anil Darpe, Vishwas Nagar,
Pangri Road, Beed Dist. Beed.
- 2) Varsha w/o Arjun Nande,
Age 34 years, Occ. Household,
R/o. Limba (Rui), Tq.& Dist. Beed,
at present Nandekar Niwas,
Bekkar Vasti, Manjri (Bk),
Tq. Haveli, Dist. Pune.
- 3) Sunita w/o Anil Ghumre,
Age 44 years, Occ. Household,
R/o. Walipur, Tq. & Dist. Beed.

... Applicants

VERSUS

- 1) The State of Maharashtra,
Through Police Station Peth Beed,
Tq. & Dist. Beed.
- 2) Bhagyashree w/o Rahul Gholap,
Age 27 years, Occ. Household,
R/o. Talwat Borgaon, Tq. Georai,
Dist. Beed, at present Kala Hanuman
Thana Parisar, Peth Beed, Tq. & Dist.
Beed.

... Respondents.

...

Advocate for Applicants : Mr. Salunke Sudarshan J.
APP for Respondent No. 1 : Mr. M. M. Nerlikar
Advocate for Respondent No. 2 : Mr. PR. Nangare

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

DATE : **08.03.2023**

PER COURT :

By resorting to the provisions of Section 482 of the Code of Criminal Procedure some of the accused from Crime No. 13/2020, registered with Police Station Peth Beed District Beed for the offences punishable under Sections 498A, 323, 505, 506 read with Section 34 of the Indian Penal Code the applicants are seeking its quashment.

2. The applicants are the brother in law, sister in law and the sister of mother in law of the respondent No. 2. The husband and the parents in law of the respondent No. 2 are not before us.

3. We have heard both the sides and perused the papers.

4. Accepting the allegations in the F.I.R. as also the statements of the witnesses from the parental side of the respondent No. 2 at their face value, we are embolden to state that the allegations are vague and omnibus. An attempt has been made to rope in the applicants along with the husband and the parents in law. No separate and exclusive role or incident is attributed to any of the applicants. The apex court and even this Court has consistently noticed the usual tendency resorted to by the wife to rope in all the relations of the husband whenever a matrimonial dispute occurs. This Court has to be circumspect and on guard to prevent misuse of the process of the Court.

5. Though it was a matter arising out of a criminal trial which had concluded, in the matter of **Kans Raj Vs. State of Punjab and others; AIR 2000 Supreme Court 2324**, a specific reference is made to such tendency to rope in all the relatives of the husband. This decision has subsequently been followed in the matter of even quashment of the crime in the case of **K. Subbarao Vs. State of Telangana, AIR 2018 Supreme Court 4009**. Apart from these decisions, there are catena of other decisions which considered such a fact situation.

6. It would be sheer abuse of process of law if the applicants are allowed to face the trail.

7. We allow the application and quash and set aside the Crime No. 13/2020, registered with Police Station Peth Beed District Beed for the offences punishable under Sections 498A, 323, 505, 506 read with Section 34 of the Indian Penal Code, as against the applicants.

(M. M. SATHAYE, J.)

(MANGESH S. PATIL, J.)

mkd/-