

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

CRIMINAL APPLICATION NO.734 OF 2021

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| 1. | Ishwar s/o. Balasaheb Jamkar
<i>(withdrawn)</i> | |
| 2. | Balu s/o. Maroti Jamkar, | |
| 3. | Sitabai w/o. Balasaheb Jamkar, | |
| 4. | Surekha w/o. Raju Chavan | ..Applicants |
| Vs. | | |
| 1. | The State of Maharashtra, | |
| 2. | Sow. Anita w/o. Ishwar Jamkar | ..Respondents |

Mr.R.N.Chavan, Advocate for applicants
Mr.P.N.Kutti, APP for respondent no.1
Mr.D.S.Patil, Advocate for respondent no.2

**CORAM : R.G.AVACHAT AND
SANJAY A. DESHMUKH, JJ.
DATE : SEPTEMBER 04, 2023**

ORDER (*Per Sanjay A. Deshmukh, J.*)

This application under Section 482 of the Code of Criminal Procedure, has been filed for quashment of the FIR, being Crime No.288 of 2020, registered with Pundlik Nagar Police Station, Aurangabad, for the offences punishable under Sections 498-A, 323, and 504 read with Section 34 of Indian Penal Code and the consequential proceedings in R.C.C.No.922 of 2021, pending before learned Judicial Magistrate, First Class, Aurangabad, pursuant to the charge sheet bearing No.29 of 2021.

2. The informant/respondent no.2 averred in the report that she was married with applicant no.1 on 28.10.2012. She begotten two daughters. She was subjected to cruelty by demanding Rs.One Lakh for purchase of a new auto-rickshaw. The applicants used to taunt and ill-treat her on that count. The respondent-informant had made an application to Bharosa cell. However, the applicants did not turn for compromise. She, therefore, lodged FIR on 18.09.2020.

3. Learned counsel for the applicants argued that general, vague and omnibus allegations have been made against the applicants. No specific instance of alleged demand of Rs.One Lakh is stated by the informant in her report. Delay caused in lodging the report is not explained. Learned counsel, therefore, prayed for quashment of the FIR and the charge sheet.

4. Learned APP and learned counsel for respondent – informant have strongly opposed the application, contending that there is *prima facie* evidence against the applicants. They, ultimately, prayed to reject the application.

5. The husband (applicant no.1) has already withdrawn his application.

6. As such, the applicants before us are father-in-law, mother-in-law and sister-in-law. The FIR itself discloses that there are vague allegations of demand of Rs.One Lakh for purchase of auto-rickshaw and alleged taunting on the part of the applicants. However, no any specific instance is quoted in the FIR. This shows that the allegations in the FIR are omnibus. The applicants, in such a situation, cannot be compelled to face the trial, which would be an abuse of process of the Court. The application, thus, deserves to be allowed.

7. In the result, the application is allowed in terms of prayer clauses (B) and (B-1), qua applicant nos.2 to 4.

[SANJAY A. DESHMUKH, J.]

[R.G. AVACHAT, J.]

KBP