

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 1099 OF 2023

1. Nilesh s/o Bapurao Patil (withdrawn)
2. Bapu s/o Bhimrao Patil (withdrawn)
3. Sunandabai w/o Bapu Patil
4. Meghalibai w/o Lalit Patil
5. Lalit s/o Suresh Patil
6. Madhuri d/o Pravin Patil (Ahirrao) ...Applicants

versus

1. The State of Maharashtra
2. Snehal w/o Nilesh Kate (Patil) ...Respondents

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Mr. D. A. Madke, advocate for the applicants
Mr. N. T. Bhagat, A.G.P. for respondent No.1
Mr. Ishwar D. Narode h/f Mr. Amol S. Sawant, advocate for
respondent No.2.

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**CORAM : R. G. AVACHAT AND
SANJAY A. DESHMUKH, JJ.
DATED : 23rd JUNE, 2023.**

PER COURT:-

1. By consent of the parties, heard finally.
2. This is an application for quashment of F.I.R. No. 387 of 2022 registered with Upnagar police station, Nandurbar, District Nandurbar for the offences punishable under Sections 498-A, 323, 504, 506 r.w. 34 of I.P.C. and consequential charge sheet bearing R.C.C No. 51 of

2023 filed in the Court of learned Chief Judicial Magistrate, First Class, Nandurbar.

3. The case of the prosecution, as is disclosed from the police papers, is as under:-

a) The respondent wife married applicant No.1 in January, 2022. She started residing at matrimonial home at Jalgaon. The respondent wife was gainfully employed. She would work from home. The F.I.R has been lodged on 6.4.2022. As such, the respondent wife appears to have stayed at her matrimonial home for not more than two months.

b) It is her case that her husband (applicant No.1) would call her a mentally challenged woman. According to him, she has a short memory. He claimed to have extra marital relations with a daughter of his maternal uncle (applicant No.6). The motor bike of the husband went missing. He therefore, asked the respondent wife to fetch money from her parents for purchase of motor bike. According to him, his marriage with her was a big mistake in life.

c) So far as the allegations against father-in-law (applicant No.2) are concerned, it is alleged that he would tell the respondent wife that he had spent a lot in the marriage of his daughter. He also gave money and household articles to his son-in-law. He therefore, asked

her to bring similar household articles from her parents. He also asked her to fetch money for purchase of motor bike for his son. Once, the father in law (applicant No.2) entered the kitchen, while the respondent wife was alone. He told her that he would teach her how to cook. She was preparing some vegetable. The edible oil was hot in a pan. The father in law dropped some water therein. As a result thereto, the oil got flared up. She received heat.

d) Mother-in-law (applicant No.3)-suffered a paralytic stroke. She was therefore, wheel chair bound. She used to tease the respondent wife for one or other reasons. She would treat the applicant No.6 Madhuri to be her daughter-in-law. She was poisoning her son's ears to ill-treat her.

e) Sister-in-law (applicant No.4). - She used to ask her brother (husband) to ill-treat respondent wife. She would tell her if her brother would not be seen happy, she would not spare her.

f) Husband of sister in law (applicant No.5)-would threaten her on account of his wife (sister in law) to have been implicated in the case.

g) Madhuri (applicant No.6)-is the daughter of maternal uncle of the husband. She was staying at the matrimonial home of the informant for over 8 years so as to serve paralytic mother-in-law. The relations between husband and her were like husband and wife. The

respondent wife had seen both of them in compromising position many a time.

4. The learned advocate for the respondent wife and the learned A.P.P. would submit that the aforesaid averments in the F.I.R. and the statements of the relations of the respondent wife, prima facie, make out a case to proceed against the applicants herein. They therefore, urge for rejection of the application.

5. Close reading of the F.I.R and the relevant papers would suggest that the allegations against the husband and the father in law, prima facie, make out a case to proceed against them for the offence punishable under Section 498-A of I.P.C. and relevant offences. The learned advocate for the applicants, therefore seeks leave to withdraw the application of applicant Nos 1 and 2. Leave granted. The application of applicant Nos. 1 and 2 stands withdrawn.

6. The rest of the applicants are alleged to have harassed and ill-treated the respondent wife. Admittedly, the sister-in-law and her husband have been residing in Pune. The respondent wife only stayed at her matrimonial home for two months. The mother in law and cousin sister in law (Madhuri- applicant No.6) are alleged to have ill-treated the respondent wife. The allegations against the applicants, in totality fell short even to prima facie make out a case to proceed against them for the offence punishable under Section 498-

A of I.P.C. None of them are alleged to have ill-treated the respondent wife so as to coerce her to meet any unlawful demand. The allegations about ill-treatment are general, vague and omnibus. Allowing these applicants to stand trial based on such material would be an abuse of process of Court. We are therefore, inclined to allow this application.

7. In the result, the criminal application is allowed in terms of prayer clauses "A" and "B" to the extent of applicant Nos. 3 to 6.

(SANJAY A. DESHMUKH, J.)

(R. G. AVACHAT, J.)

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