

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD
CRIMINAL APPLICATION NO. 1415 OF 2022

Asha Sayyadavali Masuldar Applicant

Versus

The State of Maharashtra & another Respondents
WITH
CRIMINAL APPLICATION NO. 1518 OF 2022

Ikram Innus Masuldar & others Applicants

Versus

The State of Maharashtra & another Respondents

Mr. A. M. Reddy, Advocate for the applicant.

Mr. S. J. Salgare, APP for the State.

Mr. S. B. Choudari, Advocate for respondent No. 2.

**CORAM : MANGESH S. PATIL &
R. M. JOSHI, JJ.**

DATE : 9 MARCH 2023.

PER COURT :

1. The parents-in-law, brother-in-law as also the sister of mother-in-law of the respondent No. 2, by way of these two applications, are seeking quashment of the crime registered at her instance being First Information Report No. 43/2022 registered with Bhada Police Station, Tq. Ausa, Dist. Latur, for the offences punishable under Sections 498A, 323, 504 read with Section 34 of the Indian Penal Code.

2. We have heard both the sides. When we expressed our disinclination to grant any relief to the parents-in-law and brother-in-law of the respondent No. 2, learned Advocate for applicants, on instructions, seeks leave to withdraw their application.

3. Criminal Application No. 1518/2022 is disposed of as withdrawn.

4. As far as sister of the mother-in-law of the respondent No. 2, the entire charge-sheet including the First Information Report and the statements of parental side relatives of the respondent No. 2 named her conjointly with the rest of the accused persons as having participated in subjecting her to cruelty on account of the alleged demand of money and also on the ground that she could beget only girls.

5. No specific role is attributed to her. It is not even whispered as to how she could conjointly with the other accused took part in subjecting the respondent No. 2 to cruelty.

6. The law is crystalised by catena of judgments referring to the usual tendency to rope in as many relatives of the husband as possible while lodging complaint under Section 498A of the Indian Penal Code. This Court has to be circumspect in allowing such distant relatives to be made to face the prosecution. Precisely for this reason, it was imperative for the prosecution to demonstrate the material sufficient to distinctly attribute some overt act to the sister of mother-in-law of the respondent No. 2. But there is none.

7. We allow her application and quash and set aside First Information Report No. 43/2022 registered with Bhada Police Station, Tq. Ausa, Dist. Latur, for the offences punishable under Sections 498A, 323, 504 read with Section 34 of the Indian Penal Code and the charge-sheet to her extent only. Criminal Application No. 1415/2022 is disposed of.

(R. M. JOSHI)
Judge

(MANGESH S. PATIL)
Judge

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