

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL WRIT PETITION NO. 571 OF 2022

1. Sumedh s/o Madhav Waghmare (withdrawn)
2. Madhav s/o Manoharrao Waghmare (withdrawn)
3. Sou. Laxmibai w/o Madhav Waghmare (withdrawn)
4. Sou. Saroj w/o Dhananjay Suryawanshi ...Petitioners

versus

1. The State of Maharashtra
2. Sou. Manjusha w/o Sumedh Waghmare ...Respondents

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Mr. Ashutosh S. Kulkarni, advocate for the petitioners
Mr. R.V. Dasalkar, A.P.P. for respondent No.1
Mr. Amit A. Mukhedkar, advocate for respondent No.2.

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**CORAM : R. G. AVACHAT AND
SANJAY A. DESHMUKH, JJ.
DATED : 22nd JUNE, 2023.**

O R D E R (PER SANJAY A. DESHMUKH, J.) :-

1. Heard the learned advocates for the respective parties.
2. This petition is filed under Section 482 of Cr.P.C. for quashing of FIR No.320 of 2019 registered with Nanded Police Station, Tq. and district Nanded, for the offences punishable under Sections 498-A, 307, 323, 504, 506 and 34 of I.P.C. and further consequential proceedings pursuant to the charge sheet in Sessions Case No. 136 of 2020, pending before the District and Sessions Judge, Nanded to the extent of petitioner No.4, since this petition is already withdrawn

to the extent of petitioner Nos. 1 to 3.

3. The learned advocate for the petitioner submits that the only role attributed against the present petitioner (sister-in-law) is that petitioner used to say to the informant that she doesn't know how to cook the foods and she is arrogant. The learned advocate submits that petitioner No.4 is falsely implicated in the crime in order to harass her. In fact, present petitioner is married and residing with her husband at her matrimonial home. The allegations made in the F.I.R. against present petitioner, cannot be believed. The learned advocate for the petitioner therefore, prays that the petition be allowed.

4. The learned A.P.P. and the learned advocate for respondent No.2 strongly opposes the petition and prayed that the petition be rejected.

5. Upon perusal of the F.I.R. and other investigation papers, it appears that vague and omnibus allegations are made against present petitioner. She is married and cohabiting with her husband at her matrimonial home. The allegations against her does not constitute the ingredients of Section 498-A and other sections of I.P.C., as alleged in the F.I.R. *Prima facie*, there is no case against the present petitioner. Asking the petitioner to face the trial on such vague and omnibus allegations would be an abuse of process of

Court. Therefore, the F.I.R. and the charge sheet in Sessions Case No. 136 of 2020 pending before the District and Sessions Judge, Nanded to the extent of present petitioner (sister in law of the informant) needs to be quashed and set aside.

6. In view of the above, this writ petition is allowed in terms of prayer clause "B" to the extent of petitioner No.4 (sister in law of the informant) only. No costs.

(SANJAY A. DESHMUKH, J.)

(R. G. AVACHAT, J.)

rlj/