

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

995 CRIMINAL APPLICATION NO.1475 OF 2022

1. Ashok s/o Sahebrao Vaidya (withdrawn)
 2. Manisha w/o Sahebrao Vaidya
 3. Rajashree w/o Keshav Korday
 4. Keshav s/o Heraman Korday
 5. Sachin s/o Suryabhan Pachkar
 6. Ashwini w/o Sachin Pachkar
 7. Sujeet s/o Chandrakant Abnawe
 8. Maya w/o Sujeet Abnawe
- ...Applicants

versus

1. The State of Maharashtra
 2. Vaishali w/o Ashok Vaidya
- ...Respondents

...
Advocate for Applicants : Mr. Swapnil Joshi i/b M/s. J.P. Legal
Associates

APP for Respondent No.1: Mr. P.G. Borade
Advocate for Respondent No.2 : Mr. D.M. Shinde

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**CORAM : R. G. AVACHAT AND
SANJAY A. DESHMUKH, JJ.
DATED : 19th JULY, 2023.**

PER COURT :-

1. Heard. The learned advocate for the applicants, on instructions, withdraws the application of applicant No.1-husband.

2. This application has been filed for quashment of F.I.R. No. 42 of 2022 registered with Hingoli Gramin police station, for the offences punishable under Sections 498-A, 323 and 34 of I.P.C. and the consequential charge sheet filed in the Court of J.M.F.C. Hingoli.

3. What can be gathered from the F.I.R. and the police papers is that the respondent-wife married to co-accused Ashok, in May, 2014. Thereafter, she started residing at her matrimonial home. Her husband was the only son to his parents. The in-laws thereafter, started ill-treating her over her inability to cook. The demand of Rs.5,00,000/- was made for construction of house. Over the said demand, she was allegedly ill-treated. It has been further averred that co-accused husband has extra marital relations. When the same was realized by the respondent-wife, she questioned him. He thereupon, assaulted her.

4. The main incident that took place in January 2019, at the house of Rajeshree, has been highlighted. There was a "*Kanduri programme*" at the residence of sister-in-law Rajeshree. All relations had gathered there. The applicants were also present. Rajeshree raised a question to the respondent-wife as to why she did not allow her mother-in-law to reside with her. She thereupon picked up a quarrel and all the applicants assaulted her with fist and kick blows. Thereafter, she and her husband came to Aurangabad in the evening. It has further been averred that her parents are financially unsound and could not meet out the demand of Rs.5,00,000/-. The respondent-wife and her relations reasoned with the husband and in-laws. They, however, did not listen. The respondent/wife was ultimately turned out of her matrimonial home in May, 2020 and was asked to come with sum of Rs.5,00,000/-. She therefore, lodged the crime in question. On the same lines are the statements of the relations of the respondent-wife.

5. The husband has withdrawn his application. What can be gathered from the F.I.R. is that the mother-in-law (applicant No.2) was staying away from her son and his wife (respondent-informant). The other applicants are three sisters-in-law and their husbands as well. There are general and vague allegations indicating that all these applicants had ill-treated her so as to compel her to fetch Rs.5,00,000/-. Not a single incident of ill-treatment has been highlighted in the F.I.R. The learned advocate for the respondent-wife would submit that the incident that took place at the house of Rajeshree, undoubtedly implicates all the applicants in the crime in question. Admittedly, the said incident took place at the house of Rajeshree (one of the applicant) when all relations had gathered there for "Kanduri programme". The alleged incident of assault on the respondent/wife took place on account of her refusal to allow her mother-in-law to stay with her and her husband. By no stretch of imagination, the said incident could be connected with the alleged offence punishable under Section 498-A of I.P.C. So far as regards allegations of ill-treatment so as to compel her to fetch Rs.5,00,000/- is concerned, the same are general, vague and omnibus. Hence, we are inclined to allow the application. Thus, the application is allowed in terms of prayer clause "C" to the extent of applicant Nos. 2 to 8.

(SANJAY A. DESHMUKH, J.)

(R. G. AVACHAT, J.)