

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO.1256 OF 2020

1. Hariram S/o Chandar Lokhande
Age-Major, Occ. Service,
R/o Sarsa, Tq. & Dist. Latur
2. Jayshree W/o Hariram Lokhande
Age- Major, Occ. Household,
R/o As above
3. Sunil S/o Prabhudas Bole
Age-30 years, Occ : Teacher,
R/o Sakhari (Kh), Kumbharwadi,
Tq. Guhaghar, Dist. Ratnagiri
4. Sarika W/o Sunil Bole
@ Yogeshwari d/o Uttam Gaikwad
Age:-Major, Occ. Service,
R/o Kamargaon, Tq. Patan,
Dist. Satara.

..APPLICANTS

-VERSUS-

1. The State of Maharashtra,
Through the Police Officer,
Gategaon Police Station,
Tq. & Dist. Latur.
2. Mukund S/o Pandharinath Bhalerao
Age:- 50 years, Occ : Agri.,
R/o Renapur, Tq. Renapur,
Dist. Latur.

..RESPONDENTS

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Advocate for applicants : Mr.P.P. More
APP for the respondent – State : Mr.M.M. Nerlikar
Advocate for respondent no.2 : Mr.R.H.Wagh

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**CORAM : MANGESH S. PATIL &
M.M. SATHAYE, JJ.**

DATE : 08 MARCH 2023

ORDER (M.M. SATHAYE, J) :-

This is an application under section 482 of the Criminal Procedure Code filed by sister-in-law, her husband, brother-in-law and his wife of deceased daughter of Respondent No. 2 - informant. This application seeks quashment of FIR No.70 of 2020 registered with Gategaon Police Station, Dist. Latur, which is subsequently registered as Regular Criminal Case No. 1515 of 2020 for the offences punishable under section 304-B, 306, 498-A, 504, 506 read with 34 of the Indian Penal Code to the extent of applicants. The husband and in-laws of the deceased, are not before us.

2. Learned counsel for the Applicants would submit that the Applicants are distant relatives of the husband of the deceased daughter of Respondent no.2-informant. He submits that the allegations in the FIR as well as subsequent investigation, in which the statements are recorded, are omnibus and vague and do not attribute any specific role to the Applicants in commission of alleged crime. He invited our attention to the copy of FIR dated 07.05.2020 as well as various statements recorded by the Police in the investigation of the alleged crime. He vehemently submitted that the nature of allegations leveled against the Applicants and the investigation carried on subsequently is of such quality that the Applicants cannot be permitted

to be prosecuted, and if the criminal case is not quashed, it will be abuse of process of law.

3. Learned counsel for Applicants relied upon the judgments of the Hon'ble Apex Court in ***Preeti Gupta and another Vs. State of Jharkhand and another; AIR 2010 SC 3363, Geeta Mehrotra and another Vs. State of U.P. and another; AIR 2013 SC 181*** and ***State of Haryana and others Vs. Ch. Bhajan Lal and others; AIR 1992 SC 604.***

4. Per contra, learned APP and learned counsel appearing for Respondent no.2 – informant submitted that the overall reading of FIR and investigation papers, is sufficient to conclude that there is enough material for the trial Court to proceed against the Applicants also and an opportunity deserves to be extended to the prosecution to establish the charge against them. Learned APP submitted that the death of daughter-in-law has taken place in the matrimonial house.

5. We have carefully considered the submissions and perused the record. The law in respect of prosecution of distant relatives of husband is quite crystallized so far as the offence punishable under section 498-A of the Indian Penal Code is concerned.

6. Except bald and omnibus statements that too made conjointly with husband and parents-in-law, there is nothing in

particular to show that the Applicants have subjected the deceased daughter of Respondent no.2 to cruelty. Admittedly even according to FIR, Applicants no.3 and 4 are resident of Kokan area, who are serving as teachers and the matrimonial house was at Kadgaon, which is not in Kokan, in fact far away.

7. The learned APP has placed on record a copy of suicide note, which is at Exhibit-Q and the handwriting expert's report dated 29.12.2020. The handwriting of the suicide note has been found to be of the deceased daughter of Respondent No. 2. Perusal of the copy of suicide note shows that only husband and the parents-in-law are stated to have caused cruelty to the deceased. It will not be out of place to mention that marriage had taken place on 18th May 2013 and suicide of daughter in law has taken place on 6th May 2020 and FIR is lodged on next day. Material collected by Investing Officer does not demonstrate specific role of Applicants in alleged demand of dowry for purchase of tractor and alleged cruelty therefor during this long time.

8. After considering the aforesaid material, in our considered view, it would be gross misuse of process of the Court, if such distant relatives are made to face the charges on the basis of such vague and omnibus allegations. This case is squarely covered by the judgments cited supra.

9. In the result, we allow this application and quash and set aside FIR No.70 of 2020 registered with Gategaon Police Station, Dist. Latur, for the offences punishable under sections 304-B, 306, 498-A, 323, 504, 506 read with 34 of the Indian Penal Code, subsequently registered as Regular Criminal Case No.1515 of 2020, to the extent of the Applicants.

[M.M. SATHAYE]
JUDGE

sga/

[MANGESH S. PATIL]
JUDGE