

**IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD**

CRIMINAL WRIT PETITION NO.624 OF 2022

1. Gopal s/o Mohanlal Vyas
2. Shrikant s/o Gopal Vyas
3. Nirmala w/o Shrikant Vyas
4. Hritik s/o Shrikant Vyas
5. Kiranbai w/o Vijaykumar Dayama
6. Kisan s/o Vijaykumar Dayama
7. Mukesh s/o Asaram Parikh
8. Anusaya w/o Mukesh Parikh
9. Raghvendra s/o Mukesh Parikh
10. Sarla w/o Deepak Tiwari
11. Swati w/o Giriraj Sharma ... **PETITIONERS**

VERSUS

1. The State of Maharashtra
2. Gunjan @ Gayatri w/o Gaurav Vyas ... **RESPONDENTS**

.....
Mr. V.R. Jain, Advocate for petitioners
Mr. M.M. Nerlikar, A.P.P. for respondent No.1.
Ms Sayali S. Tekale, Advocate for respondent No.2 (appointed)
.....

**CORAM : R.G. AVACHAT AND
SANJAY A. DESHMUKH, JJ.**

DATE : 10th JULY, 2023

ORDER :

After having heard learned counsel for the petitioners
at length, we expressed disinclination to grant the relief to

petitioners No.2, 3 and 6. Learned counsel for the petitioners, therefore, came around to withdraw the petition of petitioners No.2, 3 and 6. The writ petition of petitioners No.2, 3 and 6, as such, stands disposed of as withdrawn.

2. This writ petition has been moved for quashment of the F.I.R. bearing Crime No.19/2019, registered with Dhule Taluka Police Station and consequential charge sheet No.89/2019 filed before the learned Judicial Magistrate, First Class, Dhule for the offences punishable under Sections 498-A, 406, 323, 504, 506 read with Section 34 of the Indian Penal Code.

3. What can be gathered from the F.I.R. and the other police papers is that the respondent No.2 wife married Gaurav (no more) in April 2017. The informant originally hailed from Ner, Taluka and District Dhule. The petitioners and other in-laws are from State of Karnataka. On marriage, the respondent No.2 started residing at her matrimonial home in Gulbarga. It was a joint family. It has been averred in the F.I.R. that, cousin parents-in-law (आत्ये सासू आणि सासरा), cousin brother (आत्ये दीर) residing from Hyderabad would visit the informant's matrimonial home and instigate her mother-in-law to harass and ill-treat her so as to compel her to fetch Rs.50,000/- from her parents for her husband's business.

4. It has further been averred in the F.I.R. that, after four

months of the marriage, she was relieved of her Stridhan and sent back to her parental home at Ner. On the intervention of some relations, she resumed cohabitation. Both the respondent - wife and her husband started residing away from all other in-laws (applicants herein). They resided together from 29/3/2018 to 11/8/2018. On 11th August, all the in-laws allegedly called her back to matrimonial home. She was abused and assaulted there for the reasons she lodged a complaint against them with Gulbarga Police Station. In relation to the said incident of assault and abuses, she has grievance against not less than 12 persons who are before the Court as petitioners. Hence she lodged a complaint with Women's Grievances Redressal Forum at Dhule.

5. On investigation, the charge sheet has been filed. Statements of relations of the respondent - wife are consistent with the averments in the F.I.R.

6. Learned counsel for the petitioners would submit that, the allegations are vague, general and omnibus. According to him, even remotely related relations have been roped in. The grandfather-in-law is 80 plus. Admittedly, both the respondent wife and her husband were residing together away from the petitioners. There is nothing to indicate that post August 2018 the respondent - wife had an occasion to stay at her matrimonial home along with any of the petitioners herein. He, therefore, urged for grant of the

application.

7. The learned A.P.P. and the learned counsel appointed to represent the respondent - wife would, on the other hand, submit that, the F.I.R. is repleak with the allegations of ill-treatment. The respondent - wife has made a complaint to the Superintendent of Police, Dhule on 27/3/2018. The petitioner Kisan has been attributed with a role of the troublemaker. It is he who created mess in her life. He is even alleged to have outraged her modesty. According to learned counsel, the F.I.R. and the police papers make out prima facie case to proceed against them. They, therefore, urged for dismissal of the writ petition.

8. Considered the submissions advanced. Perused the F.I.R. and the related papers. Close reading of the F.I.R. would indicate that, even the distant relations (named hereinabove), residing at Hyderabad have been roped in. There is nothing in the F.I.R. to indicate as to when these petitioners had an occasion to visit the respondent - wife's matrimonial home and ill-treat her or poison ears of her mother-in-law. What has been averred is that, the parents-in-law and grand-father-in-law would ask her to fetch Rs.50,000/- for business of her husband. The demand could not be met because of her parents to have spent a lot in her marriage. As regards incident dated 11/8/2018, it is to be stated that, most of the

petitioners are alleged to have assaulted her for the reason she lodged false report with Gulbarga Police Station. It appears that, the said incident may not have any connection with her ill-treatment in connection with the unlawful demand of money because, post March 2018, she had started residing away from all her in-laws along with her husband.

9. As such, in our view, the allegations against the petitioners No.1, 4, 5 and 7 to 11 are general, vague and omnibus in nature. It is re-iterated that, no specific incident of harassment or ill-treatment in connection with unlawful demand of money has been averred in the F.I.R. or the statements of the relations of the respondent - wife. Directing these petitioners to stand trial in these facts and circumstances of the case would be nothing but an abuse of process of Court. We are therefore, inclined to allow this petition to the extent of these petitioners. Hence the order :

ORDER

- (i) The Criminal Writ Petition is partly allowed.
- (ii) The F.I.R. bearing Crime No.19/2019, registered with Dhule Taluka Police Station and consequential charge sheet No.89/2019 filed before the learned Judicial Magistrate, First Class, Dhule for the offences punishable under Sections 498-A, 406, 323, 504, 506 read with Section 34 of the Indian Penal Code are quashed to the

extent of petitioners No.1, 4, 5 and 7 to 11.

(iii) The applicant to deposit Rs.10,000/- (Rupees ten thousand) with this Court within one week from today, towards fees of Advocate appointed for respondent No.2. Once the amount is deposited, the same be paid to Ms Sayali S. Tekale, learned Advocate.

(iv) The Criminal Writ Petition stands disposed of.

(v) List the matter for compliance of this order on 24th July 2023.

(SANJAY A. DESHMUKH, J.)

(R.G. AVACHAT, J.)

fmp/-