

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

1027 CRIMINAL APPLICATION NO.1532 OF 2023

1. Waman Mansaram Patil.
2. Sumanbai Waman Patil.
3. Shravan Mansaram Patil.
4. Deepali Shran Patil.
5. Pramod Hari Patil.
6. Varshabai Pramod Patil.
7. Sheetal Manoj Patil.
8. Manoj Waman Jadhav. **... Applicants**

Versus

1. The State of Maharashtra.
2. Suvarna Pawan Patil. **... Respondents**

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Mr. Girish V. Wani, Advocate for Applicants.
Mrs. V. N. Patil-Jadhav, APP for Respondent No.1 / State.
Mr. Vijay Y. Patil, Advocate for Respondent No.2.

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

DATE : 24th August, 2023.

Per Court:

. Heard.

2 This application has been filed for quashment of FIR and consequential charge-sheet in RCC No.273 of 2022, for the offences

punishable under Sections 498-A, 323, 504, 506 and 109 read with 34 of the Indian Penal Code.

3 The respondent/wife married co-accused Pawan in March, 2019. On marriage, she started residing at her matrimonial home alongwith her husband, parents-in-law, brother-in-law and his wife. She was treated well for first 3-4 months of the marriage. The mother-in-law, thereafter, started teasing her for one or the other reason. The sisters-in-law alongwith their husbands used to occasionally visit their parental house. During those visits, they too harassed and ill-treated the respondent/wife for one or the other reason. They used to also instigate the husband and his parents to ill-treat her. Meanwhile, the respondent/wife conceived. She delivered a baby girl. Since a female child was born, ill-treatment aggravated. The husband and parents-in-law used to even suspect her character. On 10th September, 2020, she was relieved of her ornaments and turned out of the matrimonial home with a direction to return only with a sum of Rs.50,000/-. A meeting therefore, held on 5th December, 2021 between elders of both the families. The father-in-law and the husband Pawan made a scene. They insisted to meet their demand of Rs.50,000/- for purchase of a tractor. The matter could not be settled. The respondent/wife, therefore, approached Women's Grievance Redressal Cell, at Jalgaon and then lodged this first information report.

4 The learned counsel for the applicants would submit that the averments in the FIR are vague, omnibus and general in nature. The married sisters-in-law, who have been residing far away from the respondent/wife's matrimonial home, have also been roped in. The father-in-law is deaf and therefore, required to talk loudly. According to the learned counsel, since the husband is not before the Court, rest of the applicants deserve relief.

5 The learned APP and the learned counsel representing the respondent/wife would submit that the averments in the FIR and the statements of the relations and particularly of those, who attended the meeting, suggest involvement of co-accused Pawan and his parents and others, as well. As such, according to them, it is not a fit case to grant relief under Section 482 of the Code of Criminal Procedure.

6 Considered the submissions advanced. Perused the FIR and related papers. It appears that none of the family members has been spared. There are in all nine accused. The husband is not before us. Close reading of the FIR and the police papers indicate that allegations against sisters-in-law, their husbands, brother-in-law and his wife are vague, omnibus and general in nature. No specific

incident of ill-treatment has been averred against them in the FIR. In these circumstances, asking applicant Nos.3 to 8 to stand trial would be an abuse of process of Court. The application is, therefore, allowed in terms of prayer clause (B) only to the extent of applicant Nos.3 to 8.

7 So far as regards applicant Nos.1 and 2 (parents-in-law) are concerned, the father-in-law was very much present in the meeting dated 5th December, 2021. He made a scene in the meeting. The averments in the FIR are reinforced by the statements of the persons, who attended the said meeting. Moreover, the respondent/wife has allegations mainly against the mother-in-law. The FIR is replete therewith. We are, therefore, not inclined to grant relief to the parents-in-law of the respondent/wife. However, considering their ages and one of them being deaf, we grant them exemption from appearing before the Trial Court until conclusion of the trial, provided they would appear for framing of charge. The Trial Court would also be at liberty to secure their presence when required for effective hearing of the matter and to take it to logical conclusion, provided the advocate appearing for the husband and his parents would cooperate with the Trial Court to take the matter to logical conclusion. The Trial Court is expected to decide the case finally within twelve months from the date of receipt of copy of this order.

8 The Trial Court shall not be influenced by the observations made hereinabove.

9 In the aforesaid terms, the application stands disposed of.

[SANJAY A. DESHMUKH, J.]

[R. G. AVACHAT, J.]

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