

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

982 CRIMINAL APPLICATION NO.1734 OF 2023

1. Mangesh s/o Tulshiram Madle (Withdrawn)
2. Tulshiram s/o Jayawant Madle,
3. Sheshabai w/o Tulshiram Madle,
4. Kalpana w/o Balaji Shinde
5. Shilpa w/o Maruti Kamble
6. Vandana w/o Ganesh Sonkamble ...Applicants

Versus

1. The State of Maharashtra
2. Vandana @ Vaishali w/o Mangesh Madle ...Respondents

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Advocate for Applicants : Mr. P.P. Khandagale Patil
APP for Respondent No.1: Mr. P.N. Kutti
Advocate for Respondent No.2 : Mr. U.B. Bilollikar
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**CORAM : R. G. AVACHAT AND
SANJAY A. DESHMUKH, JJ.
DATED : 11th OCTOBER, 2023.**

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

This is an application for quashment of the F.I.R. No. 199 of 2021 registered with Mukhed police station for the offence punishable under Sections 498-A, 323, 504, 506 r.w. 34 of I.P.C. and the consequential charge sheet No. 125 of 2021 dated 9.8.2021.

2. The informant-respondent No.2 averred in the report that she married with the son of applicant Nos. 2 and 3. The applicant Nos. 4 to 6 are her sisters-in-law. Initially, she was treated well for a month after the marriage and thereafter, the applicants started to

harass her. They were demanding Rs.1,00,000/- for purchase of vehicle and also one Tola gold. The demand of Rs.50,000/- was complied with by her parents. However, her cruelty was continued. The applicants were keeping her on starvation and they used to beat her. Because of that harassment, her child died in her womb. She lodged the report against the applicants and her husband alleging cruelty.

3. Learned advocate for the applicants submitted that there is no any specific incident of cruelty caused by the applicants to the informant. All allegations are omnibus in nature. He lastly prayed to quash report and the charge sheet.

4. Learned A.P.P. and learned advocate for respondent No.2 have strongly opposed the application by contending that there are specific allegations in the report against the applicants. Their names are mentioned in the report. They have harassed and treated the informant with cruelty. It is lastly prayed to reject the application.

5. Perused the charge sheet and the report. No doubt, the names of all applicants are appearing in the report, however, no any specific role is attributed to them. All the allegations are against the husband of the informant, his application is already withdrawn. In such circumstances, in the absence of material against the applicants, it would not be proper to compel the applicants to face the

trial, as it would be an abuse of process of the Court. The application therefore, deserves to be allowed.

6. In view of the above, application is allowed in terms of prayer clause "B". No costs.

(SANJAY A. DESHMUKH, J.)

(R. G. AVACHAT, J.)

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