

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

CRIMINAL APPLICATION NO. 1646 OF 2022

1. Arun s/o Shivratan Kendre,
[brothers-in-law of husband of informant]
Age : 40 years, Occu. : Business,
R/o. Sirsala, Tq. Parli – Vaijnath,
Dist. Beed.
2. Anjali @ Swati w/o Arun Kendre,
[Married sister-in-law of informant]
Age : 35 years, Occu. : Household,
R/o. As above.
3. Janardhan s/o Pandharinath Nagargoje,
[Brother-in-law of husband of informant]
Age : 47 years, Occu. : Service,
R/o. Ramwadi, Post. Mahlangi,
Tq. Chakur, Dist. Latur.
4. Mahananda w/o. Janardhan Nagargoje,
[Married sister-in-law of informant]
Age : 42 years, Occu. : Household,
R/o. As above.
5. Pallavi d/o Janardhan Nagargoje,
[Daughter of sister-in-law of informant]
Age : 24 years, Occu. : Education,
R/o. Kodoli, Tq. Panhala,
Dist. Kolhapur.
6. Pratiksha d/o Janardhan Nagargoje,
[Daughter of sister-in-law of informant]
Age : 20 years, Occu. : Education,
R/o. C/o. Maharashtra Institute of
Dentral Science and Research,
Latur, Tq. & Dist. Latur.

7. Satyashila d/o. Dagdu Mundhe,
[Sister-in-law of informant]
Age : 34 years, Occu. : Service,
R/o. Rajur, Tq. Akole,
Dist. Ahmednagar.

*Deleted as per Hon'ble Courts order
dated 19.01.2023.*

8. Sachin s/o Bhanudas Dhakne,
[Son of parental uncle of the husband of informant]
Age : 34 years, Occu. : Agril.,
R/o. Warwati, Tq. Ambajogai,
Dist. Beed.

... Applicants

Versus

1. The State of Maharashtra,
Through Police Station Officer,
Ambajogai (City), Dist. Beed.
2. Mayuri w/o. Ranjeet Munde,
Age : 25 years, Occu. : Service,
R/o. C/o. Mahadeo Karbhari Kendre,
Anandnagar, Opp. Vithal – Rukhmini
Mandir, Ambajogai, Tq. Ambajogai,
Dist. Beed.

... Respondents.

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Mr. Santosh B. Bhosle, Advocate for Applicant
Mrs. M. A. Deshpande, Addl. P. P. for Respondent – State
Mr. K. G. Gaikwad, Advocate for Respondent No.2

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**CORAM : MANGESH S. PATIL AND
ABHAY S. WAGHWASE, JJ.**

DATED : 12 APRIL 2023

ORDER (PER ABHAY S. WAGHWASE, J.) :

Applicants who are in-laws of respondent no.2 are seeking
quashment of crime and charge-sheet for the offences punishable under
sections 498-A, 323, 504, 506, 34 of Indian Penal Code.

2. Above crime bearing No.79 of 2022 got registered on the instance of respondent no.2 herein, who alleged that she was married to non applicant Ranjit Dagdu Munde on 01.12.2019. According to respondent no.2, she accompanied her husband to Bangalore on 26.12.2019. For initial days she was treated well. However, subsequently according to her, taunting and commenting at the hands of her husband and in-laws begun and thereby they harassed her. She has stated that she was dropped at her parent's house on 21.02.2020. Father-in-law, mother-in-law, sisters-in-law, brothers-in-law started harassing her saying that her parents did not give proper honours in the marriage. She does not work and earn. All these affected her health, but they did not provide her treatment. During Covid, she went to her parent's house and when she returned, initially she was treated properly and again she was subjected to physical and mental cruelty on account of demand of Rs.4,00,000/-. She has alleged that since 03.12.2020 on petty counts her husband started harassing while at Bangalore, and therefore, she has lodged complaint against him. As a consequence of it, she was left alone and her husband went away. Further, she has alleged that, they refused to allow her to cohabit and asked her to go back her marital house. According to her, on 20.01.2021, her in-laws put up a demand of Rs.15,00,000/- for purchasing house and on that count she was driven out of the house and hence the complaint.

It is the above complaint and the charge-sheet arising out of which are now sought to be quashed and set aside.

3. We have heard learned counsel for applicant, learned APP as well as learned counsel representing respondent no.2.

4. Learned counsel for applicant argued in favour of relief on the point that allegations are false and baseless. They are omnibus, vague and general in nature. No particulars and details are spelt out in the FIR as well as no roles of applicants are narrated in the FIR and according to learned counsel as it amounts to abuse of process of law, they are entitled for relief.

Whereas, learned APP and learned counsel for respondent no.2 would point out that merely after few months of the marriage, initially husband and in-laws started commenting, harassing and subjected her to mental cruelty. She has specified the role of each of the applicants. There was continuous mental harassment making her life miserable. There are also allegations of monetary demand. Investigation has also revealed complicity of all accused persons and under such circumstances, it is prayed that, application deserves to be dismissed and prosecution deserves to proceed for trial.

5. We have gone through the entire FIR. We find force in the submission made by the learned counsel for applicant that allegations are general, omnibus and vague in nature. Complainant seems to have merely named all applicants initially alleging comments and taunting. Subsequently, she has attributed physical and mental cruelty, but details are not given by her as to who was involved and who did what. It is apparent that after marriage, she had been for cohabitation with her husband at Bangalore. Applicants herein seem to be brothers-in-law of husband, married sister-in-law, daughters of sister-in-law. They are shown to be residents of Sirsala, Mahlangi, Kodoli, Rajur, Latur and Beed respectively. FIR is conspicuously silent as to when all such persons who are residing separately and that distinct places came to reside with informant and indulged in above act is not elaborated in the FIR. Apparently, allegations are general in nature and no details or particulars are spelt out as to when the alleged instances of mental and physical cruelty took place and as whose instance.

6. Recently, the Hon'ble Apex Court in ***Kahkashan Kausar alias Sonam and others Vs. State of Bihar and others ; (2022) 6 SCC 599***, has categorically held that, nowadays there is growing tendency of roping entire family members due to marital discord. This clearly amounts to abuse of process of law. In our opinion, the case in hand is also one amongst such cases. Without giving particulars and specific allegations, roles played by them

all family members are attempted to be involved by leveling charges of mental and physical cruelty.

Under such circumstances, with such quality of allegations, in our opinion, legal action against applicants would definitely amount to abuse of process of law and the same does not deserve to be continued. Consequently, applicants succeed and we accordingly proceed to pass following order :-

ORDER

(i) The criminal application is allowed.

(ii) Crime bearing No.79 of 2022, dated 26.02.2022 registered with Ambajogai (City) Police Station, District Beed for the offences punishable under sections 498-A, 323, 504, 506, 34 of Indian Penal Code and case bearing R.C.C. No.193 of 2022 pending on the file of 3rd Joint Judicial Magistrate First Class, Ambajogai are quashed and set aside.

(ABHAY S. WAGHWASE, J.)

(MANGESH S. PATIL, J.)