

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL WRIT PETITION NO. 800 OF 2022

1] Sou. Suwarna W/o. Shashikant Mahalinge
Age : 37, Occu : Service,
R/o At : Ashok Nagar, Tal. Udgir
Dist. Latur – 413 517
(Sister-in-law of respondent no.2)

2] Sou. Karuna W/o Dayanand Bhutke OR
Karuna Shrimant Landge,
Age : 34, Occu : Teacher
R/at : Masoba Nagar, Harsol,
Aurangabad – 431 008
(Sister-in-Law of respondent no.2)

.. Petitioners

Versus

1] The State of Maharashtra,
Through Senior Police Inspector,
Vivekanand Chowk Police Station,
Tal and Dist. Latur
Bearing C.R. 0158 of 2022

2] Sou. Bhagyashree Rahul Landage
Age : 28 years, Occu : Housewife
R/at. Near Rajmata Primary School,
Babhalgao Road,
Maharana Pratap Nagar, Latur

.. Respondents
(Orig. Informant)

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Advocate for petitioners : Mr. Avinash M. Reddy
APP for the respondent – State : Mr. G.O. Wattamwar
Advocate for the respondent no. 2 : Mr S.C. Swami

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

DATE : 17 MARCH 2023

ORDER (MANGESH S. PATIL, J.) :

By invoking powers of this Court under Article 226 of the Constitution of India and section 482 of the Code of Criminal Procedure, the applicants are seeking quashment of the crime bearing FIR no. 0158 of 2022 registered with Vivekanand Chowk Police Station, Taluka and District : Latur for the offences punishable under section 498A, 323, 504, 506, 507 r/w. 34 of the Indian Penal Code on a complaint / information filed by the respondent no. 2 and the consequent chargesheet leading to registration of R.C.C. no. 861 of 2022 pending before the learned Judicial Magistrate First Class at Latur. The applicants are the married sisters-in-law of the respondent no. 2.

2. We have heard both the sides finally.

3. The respondent no. 2 lodged the FIR on 17-03-2022 inter alia alleging that since after the marriage not only the husband but other relations from the husband's side started suspecting her chastity and even started demanding money. She was subjected to ill-treatment physical as well as mental.

4. The learned advocate for the applicants would submit that the applicants are the married sisters-in-law of the respondent no. 2. No specific and precise allegations have been levelled against them.

The allegations are omnibus and even improbable on the face of it. It would be sheer abuse of process of law if the applicants are made to face the prosecution based on such fragile allegations.

5. Learned APP and the learned advocate for the respondent no. 2 strongly oppose the application.

6. We have considered the rival submissions and perused the papers.

7. The allegations in the FIR even if those are accepted at the face value, attribute the applicants with instigating the husband to administer her tablets so that she does not deliver a child as her chastity was being suspected. Except these allegations, no other allegations have been levelled against these applicants in the FIR. For that matter, even the statements of the witnesses are nothing but replica of the allegations in the FIR attributing the same allegations to the applicants about instigating the husband of the respondent no. 2 to administer tablets to her so that she did not deliver any child.

8. The FIR itself reads further that in due course the respondent no. 2 delivered a child on 28-08-2021. This circumstance is indicative of the fact that the allegations against the applicants of instigating the husband of the respondent no. 2 to administer her tablets is practically improbable.

9. Needless to state, merely because even the petitioners are named in the FIR and even the witnesses have named them, will have to be appreciated with circumspection. They are being named along with the other accused as having subjected the respondent no. 2 to cruelty.

10. As has been laid down in the matters of ***Geeta Mehrotra and another Vs. State of U.P.; 2021 SCC OnLine SC 1251, Neelu Chopra and others Vs. Bharti; 2009 (10) SCC 184 and Kahkashan Kausar @ Sonam and others Vs. State of Bihar and others; (2022) 6 SCC 599***, the attempt to rope in the applicants, puts us on guard. There is every room to believe that these married sisters-in-law are being roped in without attributing any overt act merely because they are the sisters-in-law.

11. In our considered view, the case is squarely covered by the instances laid down in the matter of ***State of Haryana and others Vs. Ch. Bhajan Lal and others; AIR 1992 SC 604***.

12. The writ petition is allowed.

13. Crime bearing FIR no. 0158 of 2022 registered with Vivekanand Chowk Police Station, Taluka and District : Latur for the offences punishable under section 498A, 323, 504, 506, 507 r/w. 34 of the Indian Penal Code and the consequent chargesheet leading to

registration of R.C.C. no. 861 of 2022 pending before the learned Judicial Magistrate First Class at Latur is quashed and set aside as against the petitioners.

[M. M. SATHAYE]
JUDGE

[MANGESH S. PATIL]
JUDGE

arp/