

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

977 CRIMINAL APPLICATION NO.2005 OF 2022

AVINASH BALAJI BHUTEVAD AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

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Advocate for the applicants : Mr. A.H. Dhupe
APP for the respondent – State : Mr. S. J. Salgare
Advocate for respondent no.2 : Mr. S. S. Chillarge

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**CORAM : MANGESH S. PATIL &
M.M. SATHAYE, JJ.**
DATE : 16 MARCH 2023

ORAL ORDER (MANGESH S. PATIL, J.) :

By invoking powers of this Court under section 482 of the Criminal Procedure Code, husband, mother-in-law, sister-in-law and other relatives are seeking quashment of the crime registered pursuant to the F.I.R. lodged by her for the offences punishable under sections 323, 498-A, 504 read with 34 of the Indian Penal Code with Deoni Police Station, Tq. Deoni, Dist. Latur.

2. We have heard learned advocate for the applicants, learned APP and learned advocate for respondent no.2.

3. When we express our disinclination to grant any relief to the husband and mother-in-law, learned advocate, on instructions, seeks leave to withdraw the application to their extent.

4. Considering the role attributable to the rest of the applicants, obviously, their names have been mentioned not only in the FIR but even in the statements of the witnesses. One can easily appreciate the

fact that being the relatives of the husband, respondent no.2 must have known their names. Therefore, one need not get swayed away by the fact that they were named everywhere.

5. As has been indicated in the catena of judgments, specific role attributable to the relatives of the husband is to be discerned and should be able to be made out from the material collected by the Investigating Officer, there being usual tendency to rope in all the family members.

6. Going by the FIR and even supplementary statement of respondent no.2, though the marriage was solemnized way back in 2014 and she has begotten couple of children, only vague and omnibus statements have been made. One can easily appreciate that the FIR cannot be expected to be an encyclopedia.

When respondent no.2 is seeking to attribute ill-treatment to all the relatives apart from the husband and mother-in-law, there has to be some specific and precise material disclosing their role in subjecting her to cruelty. Like the FIR and supplementary statement, even statements of the witnesses who are her relatives are equally vague and omnibus together with the husband and mother-in-law and even rest of the applicants collectively referred to the attributable ill-treatment regarding demand of money, hurling of abuses and keeping her starved. Married sister-in-law, maternal uncle and maternal aunt of

respondent no.2 have been arrayed as accused when they apparently have been residing at different places.

7. True it is that the police papers contain a complaint lodged by respondent no.2 with the Women's Grievance Cell but we are afraid, adding some words here and there and informing some additional manner in which she was subjected to ill-treatment she did not disclose anything more particularly in respect of applicant nos.3 to 6.

8. Going by the investigation and quality of the material collected by the Investigating Officer, in our considered view, this is nothing but an attempt to implicate applicant nos.3 to 6 with the obvious object of subjecting them to some harassment. It would be abuse of process of law if they are made to face the trial on such vague and omnibus allegations.

9. We allow the application partly.

10. Application to the extent of applicant nos. 1 and 2 is dismissed as withdrawn.

11. R.C.C. No. 48 of 2022 and F.I.R. No.0089 of 2022 registered at Deoni Police Station, Tq. Deoni, Dist. Latur, for the offences punishable under sections 323, 498-A, 504 read with 34 of the Indian Penal Code are quashed and set aside to the extent of applicant nos.3 to 6.

[M.M. SATHAYE]
JUDGE

[MANGESH S. PATIL]
JUDGE

sga/