

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

80 CRIMINAL APPLICATION NO.2018 OF 2022

MANISHA W/O. ANAND DONGRE AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

...

Advocate for the applicants : Mr.H.V. Tungar
APP for the respondent – State : Mr.S.J. Salgare
Advocate for respondent no.2 : Mrs.Prashanti Tambat (appointed)

...

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

DATE : 06 MARCH 2023

PC :

This is yet another instance, as indicated by judgments in the case of ***Preeti Gupta and another Vs. State of Jharkhand and another; AIR 2010 SC 3363, Kahkashan Kausar @ Sonam and others Vs. State of Bihar and others; (2022) 6 SCC 599, Neelu Chopra and others Vs. Bharti; 2009 (10) SCC 184 and Geeta Mehrotra and another Vs. State of U.P.; 2021 SCC OnLine SC 1251.***

There is usual tendency to rope in as many as relatives of the husband while implicating him and his parents for cruelty under sections 498-A, 323, 504, 506 of the Indian Penal Code.

2. Married sisters-in-law, married brother-in-law and rest of the relatives of the husband are seeking quashment of crime lodged by respondent no.2 for aforementioned offences registered as crime

No.0104/2022 with Majalgaon City Police Station, Tq. Majalgaon, Dist.Beed.

3. A bare look at the F.I.R. and the statements of the witnesses reveal that though all the applicants have been named, the only role attributed to them is regarding alleged exhortation. According to the informant-respondent no.2, they all were instigating the husband to subject her to cruelty by demanding money. The statements of the witnesses are also on the same lines.

4. No specific and precise role is attributed to the applicants, who are the married sisters-in-law, married brother-in-law, distant relatives of the husband who is an advocate and through whom he had served notice to her and paternal uncle of the husband. There are no allegations that they all were cohabiting with this couple under the same roof or have been residing in the nearby locality in the same village. It would be travesty of justice in the light of the observations of the Supreme Court in the matters of (supra), to allow the prosecution to go on as against the applicants, *albeit* there is matrimonial dispute and husband and his parents are implicated in very same crime. The case is squarely covered by the instances mentioned in ***State of Haryana and others Vs. Ch. Bhajan Lal and others; AIR 1992 SC 604.***

5. The application is allowed. The Crime vide FIR No.0104 of 2022 for the offences punishable under sections 498-A, 323, 504, 506 read with 34 of the Indian Penal Code, registered with Majalgaon City Police Station, Tq. Majalgaon, Dist. Beed and the consequent Regular Criminal Case No. 132 of 2022 are quashed and set aside to the extent of the applicants.

6. Mrs. Prashanti Tambat, learned advocate for the respondent No.2 has been appointed. We quantify her fees at Rs.2,000/- (Rs. Two Thousand).

[M.M. SATHAYE]
JUDGE

[MANGESH S. PATIL]
JUDGE

sga/