

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

948 CRIMINAL APPLICATION NO.2113 OF 2022

1. Vasantrao Devrao Waghmare
2. Shila Vasantrao Waghmare

..Applicants

versus

1. The State of Maharashtra
2. Pradnya W/o Amit Waghmare

..Respondents

...

Advocate for Applicants : Mr.G.D. Jain
APP for Respondent/State : Mr.N.T. Bhagat
Advocate for Respondent No.2 : Mr.U.L. Telgaonkar

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**CORAM : R.G. AVACHAT AND
SANJAY A. DESHMUKH, JJ.
DATED : 13th JULY, 2023.**

PER COURT :-

1. Heard.
2. This is an application for quashment of F.I.R. being Crime No.0092 of 2022, registered with Police Station, Sambhaji Nagar, District Beed, for the offences punishable under sections 498-A, 323, 504, 506 and 34 of the Indian Penal Code and the consequential charge-sheet filed in R.C.C. No.213 of 2022.
3. What can be gathered from the FIR and police papers is

that the respondent – wife married co-accused Amit in December, 2015. On marriage, she started residing at her matrimonial home along with her parents-in-laws, the applicants herein. She was treated well for initial period of two years. Thereafter, the husband and the applicants started illtreating her over her look and inability to cook. She was even assaulted. The respondent-wife stayed at her matrimonial home upto 2016-2017. Thereafter, both i.e. her husband and herself went to Hyderabad. They stayed together upto 2020. Thereafter, the respondent-wife secured a job in Pune. In February, 2022, co-accused husband went to Pune to meet her. He came back for naming ceremony of child of his brother. Respondent no.2 also came back. Then it has been alleged that co-accused husband and the present applicants illtreated her so as to coerce her to fetch Rs.30,00,000/- from her parents.

4. According to the learned advocate for the applicants, allegations in the FIR are vague, general and omnibus. Post 2016-2017, the applicants had no occasion to stay along with their son and his wife (respondent-informant). Whatever allegations levelled in the last para of the FIR are not specific. He, therefore, urged for grant of relief.

5. The learned advocate for the respondent-wife would on the

other hand advert our attention to the last para of the FIR to state the allegations are specific. He further submits that co-accused -husband has brother and other relations, they have not been named in the FIR. The same suggests honesty and truthfulness of the allegations made by the respondent – wife. According to him, therefore, it is not fit case to grant relief.

6. Considered the submissions advanced. Perused the FIR and related police papers. It was marriage that took place in December, 2015. For two years of the marriage, the respondent-wife was treated well. Thereafter, the applicants and husband are alleged to have illtreated her over her look and inability to cook. These allegations are general and vague. No specific instance has been attributed. Even those allegations are taken to be true, those do not get covered by any of the explanations of section 498-A of the Indian Penal Code. Post 2016-2017, the respondent-wife and her husband shifted to Hyderabad. They stayed there for next two years. Then respondent no.2 went to Pune. She secured job there. In February, 2022, co-accused husband went to Pune to meet her. He came back for naming ceremony of child of his brother. Respondent no.2 also came back. It has been alleged that she was starved and the applicants and husband have conspired to coerce her to fetch Rs.30,00,000/- from her parents. The FIR is silent to state the date,

time and year of the said incident and as to when she was driven out of the matrimonial house. If based on such vague, omnibus and general allegations, the applicants are directed to stand trial, it would be an abuse of process of Court. We are, therefore, inclined to allow the application. The application is allowed in terms of payer clauses "B".

7. The observations herein are prima facie in nature.

(SANJAY A. DESHMUKH, J.)

(R.G. AVACHAT, J.)

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