

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

82 CRIMINAL APPLICATION NO.2138 OF 2022

SADIK HAMID SHAIKH AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

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Advocate for the applicants : Mr. H.V. Tungar
APP for respondent – State : Mr. S.D. Ghayal
Advocate for respondent no.2 : Mrs. B.B. Gunjal (appointed)

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

DATE : 06 MARCH 2023

PC :

The applicants are seeking quashment of crime no.0295 of 2022 registered with Vivekanand Chowk Police Station, Latur for the offences punishable under sections 498-A, 323, 504, 506 read with 34 of the Indian Penal Code.

2. Applicants no.1 and 2 have already withdrawn their application.

3. We are called upon to consider the allegations *qua* applicant no.3 alone, who is stated to be married sister-in-law, aged 51 years.

4. We have heard learned advocate for the applicants, learned APP and learned advocate Mrs. Bharati Gunjal, who has been appointed to represent respondent no.2.

5. The allegations in the FIR in substance are to the effect that after the marriage was solemnized on 20.05.2007, respondent no.2 had started residing at the matrimonial home. She was maintained peacefully for few months but thereafter the husband under the influence of liquor and alleging that he was not sufficiently gifted at the time of marriage and by suspecting chastity subjected her to cruelty, physical and mental.

She alleges that even he started demanding money to set up a business and even on that count he was assaulting her. The only allegation against applicant no.3, the sister-in-law, is that she along with her mother were persistently asking her to bring money from her parents, otherwise were threatening her to falsely implicate her parents and brother.

She alleges about her husband having assaulted her and driven out of house on 30.05.2021 and since thereafter, she has been residing at her parental home. She alleges that she lodged the complaint with the Women's Grievance Cell on 18.06.2021 but nothing could transpire to take things further and left with no alternative, she lodges the FIR on the basis of which offence is registered.

6. We have carefully considered rival submissions and case papers as also the complaint lodged by respondent no.2 with the Women's Grievance Cell.

7. Accepting the allegations in the FIR as well as the statements of the witnesses, as those are, the only role attributed to applicant no.3 is regarding the alleged demand for money but without any particulars. In an omnibus statement, it is being alleged that mother-in-law and applicant no.3 were together putting up this demand.

8. Admittedly, applicant no.3 is the married sister-in-law and obviously must have been residing at her matrimonial home. Even otherwise there are no allegations that she was residing with respondent no.2 in latter's matrimonial home.

9. Similarly, even before the Women's Grievance Cell, the allegations were levelled by respondent no.2 against the husband alone and there is no whisper about any role played by the applicant no.3.

10. In our considered view, it is a clear case where there is every room to believe that respondent no.2 implicated the applicant no.3 to settle the score, being enraged with the matrimonial discord.

11. The Supreme Court in the matters of ***Geeta Mehrotra and another Vs. State of U.P; AIR 2013 SC 181*** and ***Kahkashan Kausar @ Sonam and others Vs. State of Bihar and others; (2022) 6 SCC 599*** and even this Court has consistently quashed the F.I.R. making such omnibus allegations even against the married sisters-in-law.

12. We allow the application partly and quash and set aside the crime vide FIR no.0295 of 2022 for the offences punishable under

sections 498-A, 323, 504, 506 read with 34 of the Indian Penal Code, registered with Vivekanand Chowk Police Station, Latur and the consequent Regular Criminal Case No.855 of 2022 to the extent of applicant no.3.

13. Learned advocate Mrs. Bharati Gunjal 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

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