

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CRIMINAL APPLICATION NO.2186 OF 2022

- 1] Nirmalabai Vyankatrao Tajne
Age 77 years, Occ : Household,
R/o : L.I.G. 414, Shradha Colony,
Mhada, N-2, CIDCO,
Aurangabad.
- 2] Madhuri Ganesh Dehade
Age 35 years, Occ : Household,
- 3] Ganesh Vilas Dehade
Age : 35 years, Occ : Service

Both R/o : 5-8-168, Ashok Nagar,
Mansatpur, Chikalthana,
Aurangabad.
- 4] Rutuja Nandkumar Wankhede
Age 25 years, Occ : Household,
R/o Kalambeshwar, Washim,
Tq. & Dist. Washim.
- 5] Raghini (Rani) Nagsen Tare
Age : 24 years, Occ : Household,
- 6] Nagsen Pandurang Tare
Age 27 years, Occ : Service,

Both R/o : Plot No.47, Laghuvetan Colony,
Behind Maruti Temple, Mukundwadi,
Aurangabad.
- 7] Vaishali Nandkumar Wankhede
Age 51 yeas, Occ : Household,
R/o Kalambeshwar, Washim,
Tq. & Dist. Washim.
- 8] Sonali Ravikumar Waghmare
Age 37 years, Occ : Household,
R/o : C/o Sanduji Raut, House No.139,

Behind Central Bus Stand,
Rashid Mamu Colony, Aurangabad.

..Applicants

VERSUS

- 1] The State of Maharashtra
Through Faizpur Police Station,
Tq. Yawal, Dist. Jalgaon
- 2] Deepali Siddharth Tajne
Age 27 years, Occ : Household,
R/o C/o : Arun Motiram Tayde,
At Post. Hambardi, Tq. Yawal,
Dist. Jalgaon.

..Respondents

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Mr. S.R. Dheple, Advocate for Applicants
Mr. V.S. Badakh – APP for Respondent No.1
Mr. Akram Inamdar h/f Mr.S.S. Kazi, Advocate for Respondent
No.2

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

DATE : 15 March 2023

ORDER (M.M. SATHAYE, J.) :-

. This is an application by mother-in-law, sisters-in-law with their respective husbands and a daughter of sister-in-law of respondent no.2 – informant. This application is filed under section 482 of the Criminal Procedure Code for quashment of criminal case bearing R.C.C. No.90 of 2022 pending on the file of Judicial Magistrate, First Class, Yawal, Dist. Jalgaon arising out of the F.I.R. No. 74 of 2022 registered with Faizpur Police Station,

Tq. Yawal, Dist. Jalgaon, for the offenses punishable under sections 498-A, 323, 504, 506, 34 of the Indian Penal Code.

2. It is the case of respondent no.2 in FIR that she got married to Siddharth Tajne on 18.02.2018 and started residing in the matrimonial house along with husband and some of the applicants. It is her case that her husband was engaged in the business of sale and purchase of flats and the husband and other family members were demanding money for investment in the said business. It is further her case that husband along with all the Applicants including mother-in-law, sisters-in-law, their husbands and daughter of the sister-in-law used to demand money and inflict physical and mental cruelty. It is her case that after initial dispute, she started residing separately with her husband, however, harassment continued. It is her case that on 30.06.2021, she was driven out of the house whereafter, she went to the parental house. It is further her case that she tried to settle the grievance before the Women's Grievance Cell, however, it was unsuccessful.

3. Ld. Advocate for the Applicants submitted that there is no specific allegation levelled and role attributed to them

about demand of money for investment in business of husband. It is submitted that names of applicants are only taken conjointly with husband and the allegations against them are vague. It is submitted that this is a classic case showing general tendency to rope in all the relatives of the husband to mount pressure. It is further submitted that if the FIR as well as statements of the witnesses recorded in the investigation are perused, then no specific role is attributed to the applicants apart from taking their names and stating generally that they were harassing for demand of money.

4. Per contra, learned APP for Respondent no.1 – State and learned Advocate for Respondent no.2 informant (wife) vehemently submitted that the allegations in the FIR as well as various statements recorded in the investigation are sufficient to attribute the specific role to not only husband but also present applicants. It is submitted that an opportunity deserves to be granted to the prosecution for proving the crime.

5. We have heard both the sides, carefully considered the rival submissions and perused the record.

6. Perusal of the FIR and statements of witnesses recorded in the course of investigation clearly show that there are allegations against husband and the names of all the applicants including mother-in-law are taken in omnibus manner raising only vague allegations, and that too conjointly with husband. It is also important to note that respondent no.2 – wife, even according to FIR, was residing separately with her husband within few days of marriage and not jointly with all the applicants.

7. Even according to FIR and charge-sheet, addresses of Applicant nos.5 to 8 are Jalna Road, Mukundwadi, Aurangabad, Geeta Nagar, Malegaon, Tq. & Dist. Washim and Rashid Mamu Colony, Behind Central Bus Stand, Aurangabad, which are neither the matrimonial house nor parental house of Respondent no.2. Perusal of the statements of the witnesses recorded during investigation show that they are relatives of respondent no.2 and they do not attribute any specific role to the applicants including mother-in-law about the alleged harassment. These statements also make reference to names of the applicants conjointly with husband. Documents show specific allegations of demand of money and other cruelty against

husband only, who is not before us.

8. The law regarding prosecution of the relatives in such cases is quite crystallized and succinctly stated by Hon'ble apex Court in *Preeti Gupta and another Vs. State of Jharkhand and another AIR 2010 SC 3363, Geeta Mehrotra and another Vs. State of U.P.; 2021 SCC OnLine SC 1251* and latest in the case of *Kahkashan Kausar @ Sonam and others Vs. State of Bihar and others; (2022) 6 SCC 599*.

9. In the facts and circumstances of this case, in our considered view, material collected by Investing Officer does not demonstrate specific role of applicants in commission of alleged crime. It will be abuse of process of Court, if the applicants are permitted to be prosecuted any further. According to us, this case squarely falls in one of the categories provided under the case of *State of Haryana and others Vs. Ch. Bhajan Lal and others; AIR 1992 SC 604*.

10. In that view of the matter, we allow the application and quash and set aside the R.C.C. No.90 of 2022 pending on the file of Judicial Magistrate, First Class, Yawal, Dist. Jalgaon

arising out of the F.I.R. No. 74 of 2022 registered with Faizpur Police Station, Tq. Yawal, Dist. Jalgaon, for the offences punishable under sections 498-A, 323, 504, 506, 34 of the Indian Penal Code, to the extent of applicants.

(M.M. SATHAYE)
JUDGE

(MANGESH S. PATIL)
JUDGE

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