

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

CRIMINAL APPLICATION NO.2295 OF 2022

- 1] Sushilabai W/o Laxman Jawale
Age: 74 years, Occu.: Household,
R/o Near Dilipnagar Pati, Palwan Road,
Shivajinagar, Beed, Tq. and Dist. Beed.
 - 2] Ravindra S/o Laxman Jawale
Age: 58 years, Occu.: Government Service,
R/o. D/416, Vaishali Apartment, Near Patidar
Mangal Karyalaya, Shahad (West), Tq. Kalyan,
Dist. Thane
 - 3] Sau. Vimal W/o Babasaheb Aage
Age: 54 years, Occu.: Household,
R/o. Flat No.101, Swami Hi-land Chais,
Krushna-Kutur Road, Jadhav Colony,
Badlapur (W), Tq. Ambarnath, Dist.Thane.
 - 4] Kamal D/o Laxman Jawale
@ B. K. Kamal
Age: 50 years, Occu.: Nil,
R/o. Prajapita Bramhakumari Center,
Mahendra Nagar, Karmala, Tq. Karmala,
Dist.Solapur. ..Applicants
- (Original Accused Nos.2 to 5]

VERSUS

1. The State of Maharashtra
 2. Sau. Vandana W/o Mahendra Jawale
Age: 32 years, Occu.: Household,
R/o. : C/o. Ayu. Dayanand Ujgare, Behind
Dr. Paithankar Hospital, Bindusara Colony,
Beed, Tq. and District Beed. ..Respondents
- (Original Complainant)

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Mr. Hrishikesh V. Tungar, Advocate for Applicants
Mr. S.J.Salgare, APP for Respondent No.1
Mr. S.S.Mundhe, Advocate for Respondent No.2

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

DATE : 13 March 2023

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

. By this application filed under Section 482 of the Code of Criminal Procedure, the Applicants who are mother-in-law, married brother-in-law, one widowed sister-in-law and another sister-in-law of Respondent No.2 - informant, are praying to quash criminal case bearing R.C.C. No.289 of 2022 pending in the Court of Judicial Magistrate First Class, Beed, in connection with FIR No.0082 of 2022 registered at Shivajinagar Police Station, District Beed, for the offence punishable under Sections 498A, 323, 504, 506 read with 34 of of the Indian Penal Code (IPC).

2. According to the FIR, it is the case of Respondent No.2 that the Applicants alongwith husband were ill-treating her for bringing Rs.3,00,000/- from her parents for repayment of loan taken by husband for starting a Doctor's clinic. Marriage took place on 07-05-2009 and the said demand of money was made in April, 2019, i.e. after a period of ten years from marriage. It is her case that after the ill-treatment started at the hands of the

husband with other Applicants, she went to the parental house. Efforts were made at Women's Grievance Redressal Cell at Beed for settlement, however, it was not successful. It is her further case that all the relatives of the matrimonial side including Applicants were harassing her for bringing Rs.3,00,000/- for repayment of loan taken by the husband.

3. Learned Advocate for the Applicants submitted that the nature of the allegations levelled against the Applicants are omnibus and no specific role is attributed to them in the alleged crime. He further submitted that evidence gathered by the investigating agency is such that, if the Applicants are permitted to be prosecuted further, it will be travesty of justice. He submitted that in the peculiar facts and circumstances of this case the impugned criminal case deserves to be quashed and set aside.

4. Per contra, learned Advocate for Respondent No.2 alongwith learned APP for Respondent No.1 submitted that the statements of independent witnesses recorded during the investigation are sufficient to indicate specific role attributable to the Applicants. It is submitted that the Applicants are equally responsible for the harassment of Respondent No.2. It is further

submitted that an opportunity deserves to be granted to the prosecution to prove its case against the Applicants also.

5. We have carefully considered the submissions of learned Advocates for the parties and perused the record.

6. We have perused the FIR and the statements of various witnesses recorded during the investigation of the alleged crime. Husband of Respondent No. 2 is not before us. The allegations against the Applicants including the mother-in-law (Applicant No.1) are not only omnibus and repetitive in the FIR as well as statements of witnesses, but those allegations are made conjointly as against her and the husband. Even according to the FIR, the matrimonial house of Respondent No.2 is at Shivaji Nagar, Beed, which is different from the addresses of Applicant Nos.2 to 4, who are brother-in-law and sisters-in-law. Applicant No.2 is resident of D/416, Vaishali Apartment, Beside Patidar Mangal Karyalaya, Shahad (West), Tq. Kalyan, Dist.Thane, applicant No.3 is resident of Flat No.101, Swami Hi-Land Chais, Krushna-Kuntur Road, Jadhav Colony, Badlapur (West), Tq. Ambarnath, Dist.Thane and applicant No.4 is resident of Prajapita Brahmakumari Center, Mahendra Nagar, Karmala, Tq.Karmala, Dist.Solapur. Another important aspect of the matter is that after

almost 10 years of the marriage, the alleged demand of Rs.3,00,000/- for repayment of loan seems to have been brought to the fore by Respondent No.2.

7. The law regarding prosecution of the distant 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.*** In the facts and circumstances of this case, in our considered view, material collected by Investigating 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.***

8. In that view of the matter, we allow the application and quash and set aside R.C.C. No.289 of 2022 pending in the Court of Judicial Magistrate First Class, Beed in connection with FIR

No.0082 of 2022 registered at Shivajinagar Police Station, District Beed, for the offence punishable under Sections 498A, 323, 504, 506 read with 34 of the IPC, to the extent of Applicants.

(M.M. SATHAYE)
JUDGE

(MANGESH S. PATIL)
JUDGE

SPT