

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

CRIMINAL APPLICATION NO.1691 OF 2021

1. Shrikant s/o Balaji Gaikwad,
2. Laxmikant s/o Balaji Gaikwad
3. Chaya w/o Balaji Gaikwad
4. Bhagyashree w/o Prakash Kamble
5. Priyanka d/o Balaji Gaikwad – (before marriage)
Rajashree w/o Anil Wahule – (after marriage) ... **APPLICANTS**

VERSUS

1. The State of Maharashtra,
Through Bhagyanagar Police Station
Nanded.
2. Sneha d/o Vishnu Lokhande (before marriage)
Sau. Sneha w/o Shrikant Gaikwad (after marriage) ... **RESPONDENTS**

...

Mr. M.V. Thorat, advocate for the applicants
Mr. M.M. Nerlikar, APP for Respondent No.1
Mr. K.B. Jadhav for respondent No.2

...

**CORAM : MANGESH S. PATIL AND
ABHAY S. WAGHWASE, JJ.**

DATE : 25.04.2023

ORDER (MANGESH S. PATIL, J.) :

Heard both the sides finally.

2. The applicants are resorting to Section 482 of the Code of Criminal Procedure seeking quashment of Crime No.167/2021 registered with Bhagyanagar Police Station, Nanded for the offence punishable under

Section 324, 498A, 323, 504, 506 read with Section 34 of the Indian Penal Code and the charge sheet and the regular criminal case arising there from.

3. After hearing both the sides when we express our disinclination to grant any relief to the applicant Nos.1 to 3 who are the husband, brother-in-law and mother-in-law of the respondent No.2, their learned advocate, on instructions, seeks leave to withdraw the application to their extent.

4. We are thus concerned with the role attributable to the applicant Nos.4 and 5 who happen to be the married sisters-in-law of the respondent No.2.

5. The sum and substance of the allegations in the FIR are to the effect that the marriage between the applicant No.1 and the respondent No.2 was solemnized on 11.10.2020. Both of them are in the employment of Government Hospitals. She was posted at Jalna, whereas, he was posted at Nanded. Sometimes she used to go to Nanded and at times he used to come to her at Jalna along with the applicant No.3 – Mother-in-law. She alleges that soon after the marriage the applicants started insisting her to bring money from her parents for buying a car. She was subjected to ill-treatment with a view to force her to bring money. It is then alleged that both these applicant Nos.4 and 5 who are the married sisters-in-law also demanded money. They started suspecting her character and even these two women abused and assaulted her. On 25.05.2021 she was driven out of the house.

6. True it is that the FIR is not supposed to be an encyclopedia so

that all the details should be mentioned therein. If a married woman spends some time in the matrimonial home before being driven out, she is bound to make the allegations without giving details. But then, as is mentioned herein above, we are only concerned with the role attributable to the applicant Nos.4 and 5 who are married sisters-in-law.

7. Admittedly, the marriage had taken place on 11.10.2020 and the respondent No.2 was allegedly driven out on 25.05.2021 meaning thereby that she could lead marital life barely for seven months. Even there cannot be any dispute that the applicant Nos.4 and 5 are married even before the marriage of the respondent No.2 and have been residing at their respective matrimonial home. Even according to the respondent No.2, even during this seven months, she was serving in the Government Hospital at Jalna, whereas, her husband was posted at Nanded. She says that at times she used to go to Nanded, whereas, sometimes even he used to come down to Jalna. The applicant Nos.4 and 5 are residents of Osmanabad and Taroda, Taluka and District Nanded.

8. On the backdrop of aforementioned state of affairs, if one appreciates the allegations in the FIR as also the supplementary statement of the respondent No.2, vague and omnibus allegations have been made against the applicant Nos.4 and 5. Merely because they are named in the FIR it would not be *per se* be sufficient to conclude about their complicity in the crime. No specific and exclusive role or incident is attributed to them. It has been vaguely mentioned in sequence that even these two women had

abused and assaulted her, conjointly naming them with the rest of the applicants who are husband, brother-in-law and mother-in-law of the respondent No.2.

9. In our considered view the fact situation of the matter in hand is squarely covered by **Kahkashan Kausar @ Sonam and Ors. Vs. State of Bihar and Ors.;**(2022) 6 SCC 599. It would be abuse of the process of law if even these two married sisters-in-law are allowed to be prosecuted with such vague and omnibus allegations and lack of material revealing their exact role in subjecting the respondent No.2 to cruelty.

10. The Application is partly allowed.

11. The Crime No.167/2021 registered with Bhagyanagar Police Station, Nanded and the subsequent charge-sheet and regular criminal case to the extent of the applicant Nos.4 and 5 is quashed and set aside.

12. The application to the extent of applicant Nos.1 to 3 is dismissed as withdrawn.

(ABHAY S. WAGHWASE, J.)

(MANGESH S. PATIL, J.)