

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

CRIMINAL WRIT PETITION NO. 885 OF 2023

1. Satish Kondiba Konge
(withdrawn on 03.08.23.)
2. Dnyanoba Ramrao Shinde
3. Kamalabai Dnyanoba Shinde
4. Sunanda Dnyanoba Shinde

..PETITIONERS

VERSUS

1. State of Maharashtra
2. Manorama Satish Konge

..RESPONDENTS

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Mr. A.M. Reddy, Advocate for petitioners

Mr. S.N. Morampalle, A.P.P. for respondent no.1 – State

Mr. R.C. Brahmankar, Advocate for respondent no.2 (appointed)

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**CORAM : R.G. AVACHAT AND
NEERAJ P DHOTE, JJ.
DATE : 27th OCTOBER, 2023**

ORDER (PER : NEERAJ P. DHOTE, J.) :

1. Heard.

2. This petition, under Article 226 of the Constitution of India, is filed for quashment of First Information Report ('F.I.R.') bearing C.R. No. 710 of 2022 registered with Vivekanand Chowk Police Station, Dist. Latur for the offences punishable under Sections 498-A, 323, 504, 506, 507 read with Section 34 of the Indian Penal Code and consequential charge-sheet, bearing R.C.C. No. 380 of 2023 pending on the file of J.M.F.C., Latur.

3. Petitioner Nos.3 and 4 are the sisters-in-law of Respondent No.2, whereas Petitioner No.2 is the husband of both Petitioner Nos. 3 and 4. It has been averred in the F.I.R. that the informant got married with Accused No.1 (Petitioner No.1) on 20th April, 2009. After marriage she started residing with her husband at Poladpur, Dist. Raigad. For a period of one and half years of marriage she was treated well. Thereafter her husband got addicted to liquor and under influence of the same started ill-treating and demanding money for purchase of motorbike from her mother. Her mother, however fulfilled the demand by giving him a motorbike. Thereafter he treated the informant well for some days. Meanwhile, the couple was blessed with two children. The ill-treatment continued. He assaulted her by suspecting her character and asked to fetch money from her mother. He even threw her out of the house. She narrated the said incident to her mother, who alongwith relatives visited the house of the informant and asked the husband to treat the informant well. Also when the informant narrated the said incident to her mother-in-law and the petitioners herein on telephone, they in-turn supported the husband and abused the informant. Even they came to Poladpur, ill-treated her and took away the gold ornaments from the person of the informant. She filed one N.C. complaint to Poladpur Police Station on 08th December, 2022. Since thereafter she started living at her maternal home with her son.

4. Perusal of the F.I.R. shows that allegations against the present petitioners are not specific. The record shows that the informant had lodged one N.C. complaint with Poladpur Police Station, Dist. Raigad, wherein she has alleged that present petitioners threatened her over telephone, whereas in the F.I.R. she has alleged that they visited her house on the same day i.e. 08th December, 2022. The other allegations against these petitioners in the F.I.R. are general and omnibus. As there are general and omnibus allegations for offence punishable under Section 498-A of the I.P.C., the F.I.R. and charge-sheet are liable to be quashed and set aside to the extent of Petitioner Nos. 2 to 4. The writ petition to the extent of Petitioner No.1 is already withdrawn.

5. In view of above, criminal writ petition is allowed in terms of prayer clause (a) so far Petitioner Nos. 2 to 4 are concerned. The fees of Adv. R.C. Brahmarkar, appointed for respondent no.2 is quantified at Rs.10,000/- (Rupees Ten Thousand) which shall be paid by Petitioner Nos. 2 to 4 by depositing with this Court within two weeks. On deposit, same be paid to Adv. R.C. Brahmarkar.

6. Stand over to 10th November, 2023 for compliance.

(NEERAJ P. DHOTE, J.)

(R.G. AVACHAT, J.)

SSD