

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

CRIMINAL APPLICATION NO.2625 OF 2022

1. Laxmibai w/o Marotrao Pohkar
 2. Anita w/o Sanjay Shinde
 3. Sanjay s/o Bhagiram Shinde
 4. Jayshree Balaji Aswar
- ... **APPLICANTS**

VERSUS

1. The State of Maharashtra
 2. Snehal w/o Balaprasad Pohkar
- ... **RESPONDENTS**

.....
Mr. Nikhil D. Jaiswal, Advocate for applicants
Mr. N.T. Bhagat, A.P.P. for respondent No.1.
Mr. S.S. Randive, Advocate for respondent No.2.
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**CORAM : R.G. AVACHAT AND
SANJAY A. DESHMUKH, JJ.**

DATE : 18th JULY, 2023

ORDER :

Heard. This application has been moved for quashment of F.I.R. bearing Crime No.0252/2021, registered at Pundlik Nagar Police Station, District Aurangabad for the offences punishable under Sections 498-A, 354, 323, 504, 506 read with Section 34 of the Indian Penal Code and the consequential proceedings bearing R.C.C. No.154/2022.

2. What can be gathered from the police papers is that, the respondent - wife married co-accused Balaprasad in July 2021. On marriage, she started residing at the matrimonial home, initially at Aurangabad. The husband has been serving with Reserve Bank of India at Mysore. The respondent - wife, after some days of stay at the matrimonial home at Aurangabad, joined the husband in Mysore. It has been alleged in the F.I.R. that she was forced to undergo medical examination, suspecting that she was not keeping good health. The applicants harassed and ill-treated her for one or the other reason so as to compel her to fetch amount of Rs.5 Lakhs for purchase of household furniture. A sum of Rs.1,50,000/- was transferred Online in the Account of the informant. A meeting for conciliation was held on 16/6/2022. These applicants were present. They were insisting co-accused Balaprasad to dissolve marital relationship with the informant. They also threatened the informant and her relations. The sister-in-law is alleged to have pulled hair of the respondent - wife. While the father-in-law and the husband of one of the sisters-in-law (applicant No.3) gave her kick. With all these allegations, the crime came to be investigated and the charge sheet has been filed.

3. The learned counsel for the applications, on instructions, came around to withdraw the application of applicant No.1 - mother-in-law. The application of the applicant No.1 -

mother-in-law stands disposed of as withdrawn.

4. Admittedly, the applicant No.4 resides at Hingoli while the applicants No.2 and 3 stay in Aurangabad. The record indicates that, the respondent - wife, after initial few days stay at Aurangabad, joined the company of her husband at Mysore. The averments in the F.I.R. that the ill-treatment was at the instigation of the applicants herein are short of making out a specific case of a specific incident thereof. So far as regards incident dated 16/6/2022 is concerned, it may at the most be an offence under Section 323 of the Indian Penal Code. Rest of the allegations are general in nature. Since it has been averred that it is at the instance of the present applicants, the respondent - wife was harassed and ill-treated so as to compel her to fetch money from her parents and no adequate dowry was given in the marriage. As such, according to us, the averments in the F.I.R. and the statements of the relations of the respondent - wife are vague, general and omnibus. Asking the applicants No.2 to 4 to stand trial, based on such material, would be an abuse of process of Court. Hence, the Court is inclined to allow the application of applicants No.2 to 4. Hence the order :

ORDER

(i) The criminal application is partly allowed.

(ii) The F.I.R. bearing Crime No.0252/2021, registered at Pundlik Nagar Police Station, District Aurangabad for the offences punishable under Sections 498-A, 354, 323, 504, 506 read with Section 34 of the Indian Penal Code and the consequential proceedings bearing R.C.C. No.154/2022 are quashed to the extent of applicants No.2 to 4.

(iii) The criminal application stands disposed of.

(SANJAY A. DESHMUKH, J.)

(R.G. AVACHAT, J.)

fmp/-