

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

CRIMINAL APPLICATION NO. 3452 OF 2022

Rohini w/o. Pravin Dahiwal.

... Applicant

Versus

1. The State of Maharashtra.

2. Sow. Priyanka w/o Rohit Bedre.

... Respondents

AND

CRIMINAL APPLICATION NO. 2687 OF 2022

1. Ramesh S/o Nanarao Bedre.

2. Sandhya W/o Ramesh Bedre.

3. Sudhir S/o Ramesh Bedre.

... Applicants

Versus

1. The State of Maharashtra.

2. Sow. Priyanka w/o Rohit Bedre.

... Respondents

...

Mr. Saisagar A. Ambilwade, Advocate for Applicants.

Mr. M. M. Nerlikar, A.P.P. for Respondent No.1 / State.

Mr. Vikram Laxmanrao Bhange, Advocate for Respondent No.2 (Appointed).

...

CORAM : R. G. AVACHAT and
SANJAY A. DESHMUKH, JJ.

DATE : 22nd June, 2023.

Per Court:

. Heard.

2 Both these applications have been filed for quashment of FIR No.765 of 2021 and the consequential charge-sheet in R.C.C. No.713 of 2022, for the offences punishable under Sections 498-A, 323, 504 and 506 read with 34 of the Indian Penal Code.

3 The parents-in-law, brother-in-law and the sister-in-law of the informant are before this Court. The FIR has been lodged on 24th October, 2021. The averments therein indicate that the informant married Rohit Bedre / co-accused in November, 2016. Her matrimonial home was at Jalna. The husband was serving in Pune. On marriage, she started residing at her matrimonial home at Jalna. She claimed to have stayed there for one year. She was treated well during this one year period. It has been alleged that the husband, brother-in-law and the parents-in-law used to ask the informant as to why the dining table, washing machine, cooler were not given to them in the marriage, while her father was Dy.S.P. It has further been alleged that the mother-in-law used to wake up her in the early morning for the morning walk. She was pregnant by then. Further reading of the FIR would indicate that the informant has grievance mainly against her husband. He used to abuse her in filthy language.

4 In the FIR, there are no allegations against the sister-in-law. The informant consciously gave a supplementary statement, eight months after the registration of the FIR, making allegations against the sister-in-law, who was married ten years before the informant's marriage. The matrimonial home of the sister-in-law is at Ambajogai. There are no details as to when the sister-in-law was visit the informant's matrimonial home and ill-treat her. There is every reason to observe that the sister-in-law has been roped in afterthought.

5 The learned APP took us through certain allegations in the FIR to indicate that when the informant was being taken to her parental house, the mother-in-law had given her torn footwear to put on. She had not been provided with meals. The informant had suffered weakness. If all these allegations are considered in isolation, would not constitute the offence punishable under Section 498-A of the Indian Penal Code. We do not come across any allegation indicating the present applicants had asked the informant to fetch amount from her parents. There is stray allegations that the applicants had questioned the informant as to why the aforesaid articles were not given in marriage. It could also be gathered from the FIR that when the husband was residing at Pune, the informant was staying with her there. She used to occasionally visit her matrimonial home at Jalna.

According to the learned APP, when she is used to be at Jalna, the present applicants ill-treated her. This is general allegation. It is reiterated that the close reading of the FIR and even supplementary statement would indicate that the general and omnibus allegations have been levelled against the applicants herein. The husband is not before the Court. Taken the averments in the FIR as it is, we find the prosecution to proceed against the applicants, would be an abuse of the process of Court.

6 In the result, the following order is passed:

ORDER

- I. Criminal Application No.3452 of 2022 is allowed in terms of prayer clause (A).
- II. Criminal Application No.2687 of 2022 is allowed in terms of prayer clauses (A) and (B-1).
- III. The fees of the appointed counsel is quantified as Rs.7,000/- and it is to be paid through the High Court Legal Services Sub-Committee, Aurangabad.

[SANJAY A. DESHMUKH, J.]

[R. G. AVACHAT, J.]

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