

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

CRIMINAL APPLICATION NO.2803 OF 2022

Panditrao s/o Ranuba Padol & ors. ... **APPLICANTS**

**VERSUS**

The State of Maharashtra & anr. ... **RESPONDENTS**

.....  
Mr. V.Y. Patil, Advocate for applicants  
Mrs. V.N. Patil Jadhav, A.P.P. for respondent No.1.  
Mrs. Uma S. Bhosle, Advocate for respondent No.2 (appointed)  
.....

**CORAM : R.G. AVACHAT AND  
SANJAY A. DESHMUKH, JJ.**

**DATE : 3rd OCTOBER, 2023**

**ORDER :**

Heard. This is an application for quashment of the F.I.R. No.19/2022, registered at Sadar Bazar Police Station, Jalna for the offences punishable under Sections 498-A, 323, 504 read with Section 34 of the Indian Penal Code.

2. What can be gathered from the F.I.R. and the related papers is that, the respondent No.2 wife married co-accused Gajanan way back in 2009. She started residing along with her parents-in-law and co-accused Gajanan. She was treated well for the first year of her marriage. Thereafter, her husband Gajanan, parents-in-law and others (applicants) started harassing and ill-treating her so as to coerce her to fetch Rs.5 Lakhs from her

parents for construction of a house. It has also been averred in the F.I.R. that since the demand was not met, she was physically assaulted. She left the matrimonial home in the year 2021 and thereafter lodged the F.I.R. on 7/1/2022.

3. According to learned counsel for the applicants, the allegations in the F.I.R. are general, vague and omnibus. No specific incident of ill-treatment has been highlighted. Our attention has also been drawn to application moved under Section 125 of the Code of Criminal Procedure, wherein it has been averred that, both the respondent No.2 and her husband were residing separately for some years. He, therefore, urged for grant of the application.

4. Learned A.P.P. and learned counsel appointed for respondent no.2 would, on the other hand, submit that, the F.I.R. is replete with the allegations of ill-treatment. Statements of relatives of the respondent No.2 have been adverted to so as to reinforce the averments in the F.I.R. According to him, no mini trial can be conducted hereat. They, therefore, urged for dismissal of the application.

5. Considered the submissions advanced. Perused the F.I.R. and related papers. The respondent No.2 married co-accused Gajanan in May 2009. The couple is blessed with a male child. Harassment and ill-treatment allegedly commenced a year

after the marriage. The same is stated to have continued until some time before the F.I.R. was lodged. The F.I.R. and statements of the relations of respondent No.2 are, however, silent to state any specific incident of harassment or ill-treatment at the hands of the present applicants so as to coerce her to fetch Rs.5 Lakhs. As such, it is a case of general, vague and omnibus allegations. Directing the applicants to stand trial based on such material would be an abuse of process of Court. We are, therefore, inclined to allow the application. Hence the order :

6. The application is allowed in terms of prayer clause (B).

7. Fees of Mrs. Uma S. Bhosle, learned counsel appointed for the respondent No.2 is quantified at Rs.10,000/- (Rupees ten thousand). The applicants shall deposited the amount of Rs.10,000/- with this Court within a week from today. On depositing the same, the same be paid to Mrs. Uma S. Bhosle, learned counsel appointed for the respondent No.2.

8. List the matter of compliance of this order on 13<sup>th</sup> October 2023.

**(SANJAY A. DESHMUKH, J.)**

**(R.G. AVACHAT, J.)**

fmp/-