

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 2104 OF 2021

1. Yogesh Raghunath Jadhav (withdrawn)
2. Raghunath Sampat Jadhav
3. Alkabai Raghunath Jadhav
4. Kishor s/o Raghunath Jadhav
5. Pushapa w/o Kishor Jadhav
6. Bhagabai wd/o Sampat Jadhav
7. Anita w/o Narayan Mhaske ...Applicants

versus

1. The State of Maharashtra
2. Sau. Ujawala w/o Yogesh Jadhav ...Respondents

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Mr. S.B. Madde, advocate for the applicants

Mr. M.M. Nerlikar, A.P.P. for respondent No.1

Mr. K.D. Jadhav and Mr. G.J. Pahilwan, advocates for respondent No.2.

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**CORAM : R. G. AVACHAT AND
SANJAY A. DESHMUKH, JJ.
DATED : 19th JULY, 2023.**

PER COURT :-

1. Heard. The learned advocate for the applicants, on instructions, withdraws the application of applicant No.1-husband.

2. This application has been filed for quashment of F.I.R. No. 0551 of 2021 registered with Kranti Chowk police station, Aurangabad, for the offences punishable under Sections 498-A, 504, 506 r.w. 34 of I.P.C. and the consequential charge sheet in R.C.C. No. 2645 of 2021 pending in the court of Judicial Magistrate, First

Class, Aurangabad.

3. What can be gathered from the F.I.R. and the police papers is that the respondent-wife married to co-accused Yogesh way back in February, 2014. She has been serving as Gram Sevak in Panchayat Samiti, Kannad. The F.I.R. runs into not less than 7 pages. The grievance of the respondent-wife is that she was all along ill-treated by her all in-laws (present applicants). It appears that the main grievance of the respondent wife is that the husband is having extra marital relations. It also appears that both husband and respondent wife were living at Aurangabad, while the present applicants have their residence at their village in Gangapur taluka. The husband and in-laws used to insist her to raise the housing loan since she was gainfully employed. It has also been alleged that her signatures were obtained on loan guarantee forms keeping her in dark. Meanwhile, she delivered twice. One of the child unfortunately died. For some days, the respondent-wife went back to her parental house. She again resumed cohabitation. There was however, no change in the behaviour of her husband and all in-laws. Ultimately, she was sent back to her parental house in June, 2021. The F.I.R. has been lodged in August, 2021.

4. Close reading of the F.I.R. would indicate that even grandmother-in-law has not been spared. She is 83 years of age. Sister in law Anita has been married and residing at her matrimonial home.

There are no averments to indicate as to when she used to visit the respondent's matrimonial home to ill-treat her. Another sister-in-law passed away pending this application. The other applicants are father-in-law, mother-in-law and brother-in-law of the respondent/informant. The allegations against them are general, vague and omnibus, although the learned advocate representing the respondent wife submits that there are certain allegations against the brother in law. What has been alleged against him is that he used to change his clothes while the informant wife was around. It is not known whether the house comprises more than 4/5 rooms or 1/2 rooms. It is reiterated that the respondent wife has made grievance as to the extra martial relations of her husband. There is no allegations that she was ill-treated so as to compel her to bring money from her parents. She was allegedly asked to pay her salary for day to day expenditure of all members of the family, including the applicants herein. In our view, the said demand may not be sufficient to invoke the explanation (b) of Section 498-A of I.P.C. As such, it is a case of general, vague and omnibus allegations against the applicants herein. Prosecuting them based on such material would be an abuse of process of Court. We therefore, allow this application in terms of prayer clauses "C" and "C-1" to the extent of applicant Nos. 2 to 7.

(SANJAY A. DESHMUKH, J.)

(R. G. AVACHAT, J.)