

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

CRIMINAL APPLICATION NO.2986 OF 2022

Vasundharabai Udaysing Padvi and ors.	..Applicants
Vs.	
The State of Maharashtra and anr.	..Respondents

Mr.Amit Savale, Advocate for applicants
Mr.P.N.Kutti APP for respondent no.1
Mr.S.S.Dargad, Advocate for respondent no.2

**CORAM : R.G.AVACHAT AND
NEERAJ P. DHOTE, JJ.
DATE : OCTOBER 25, 2023**

ORDER :-

Heard.

2. By this application under Section 482 of the Code of Criminal Procedure, the applicants pray for quashment of the FIR, being Crime No.355 of 2022, registered at Nawapur Police Station, Dist.Nandurbar, for the offences punishable under Sections 498-A, 504 and 506 read with Section 34 of Indian Penal Code.

3. What can be gathered from the FIR and the police papers is that respondent no.2 – informant married the co-accused Umesh in April, 2021. Umesh was a medical practitioner. After marriage, the informant started residing at her matrimonial home along with her

husband, mother-in-law and brothers-in-law. She was treated well initially for about 2-3 months. Co-accused – Umesh, thereafter, started asking her to fetch Rs.3 Lakhs for opening a clinic. She expressed inability to meet the demand as her parents were poor farmers. He, therefore, started abusing and physically assaulting the informant. She informed the same to her brother. He came to get her back. That time, she was pregnant of seven month. She required some documents for registration with the maternity clinic. She requested her in-laws (applicants herein) to provide the necessary documents. They refused to give her necessary documents and asked her to fetch Rs.3 Lakhs from her parents. The statements of witnesses (relations of respondent no.2) are consistent with the averments in the FIR.

4. Learned counsel for the applicants would submit that the husband of the informant is not before this court. The mother-in-law and brothers-in-law are the applicants herein. No overt act has been attributed to them. The allegations in the FIR are vague, general and omnibus. Learned counsel, therefore, urged for allowing the application.

5. Learned APP for respondent no.1 – State and learned counsel for respondent no.2 – informant, would, on the other hand, submit that the names of the applicants have been figured in the FIR, attributing them with some overt-acts. No mini trial can be conducted for quashment of the FIR. It is for the trial court to decide the case on its own merits. They, therefore, urged for rejection of the application.

6. Considered the submissions advanced. Perused the FIR and related papers.

7. Close reading of the FIR would indicate the informant to have made allegations mainly against her husband. The husband is not before this court. No specific incident or time, when the present applicants, allegedly, asked her to fetch Rs.3 Lakhs from her parents, has been highlighted in the FIR. As such, so far as the applicants are concerned, it is a case of vague and omnibus allegations. In the circumstances, asking the applicants to stand trial would be an abuse of the process of court.

8. In the result the application is allowed in terms of prayer clause (B).

9. The applicants shall deposited in this Court Rs.10,000/- (Rupees Ten Thousand) towards the fee of learned counsel appointed to represent respondent no.2, within two weeks. Once the amount is deposited, it be paid to the appointed Advocate.

10. List on 09.11.2023 for compliance of the order.

[NEERAJ P. DHOTE, J.]

[R.G. AVACHAT, J.]

KBP