

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

CRIMINAL APPLICATION NO. 2343 OF 2020

1. Laxmibai Manoharrao Khanjode
Age: 79 years, Occu.: Household,
R/o At Tamasa, Tq. Hadgaon,
Dist. Nanded
2. Dayanand Manoharrao Khanjode
Age: 56 years, Occu.: Computer Operator,
R/o Limbekar Niwas, Gaikwad Galli,
Mukhed, Tq. Mukhed, Dist. Nanded
At present Plot No.50, Surya Nagar,
Nanded
3. Jyoti Dayanand Khanjode
Age: 46 years, Occu.: Service,
R/o Limbekar Niwas, Gaikwad Galli,
Mukhed, Tq. Mukhed, Dist. Nanded
At present Plot No.50, Surya Nagar,
Nanded
4. Shivkanta Kondiba Kamble/Pardikar
Age: 53 years, Occu.: Household,
R/o At Post Pardi, Tq. Ardhapur,
Dist. Nanded
5. Kondiba Umaji Kamble/Pardikar
Age: 65 years, Occu.: Pensioner,
R/o At Post Pardi, Tq. Ardhapur,
Dist. Nanded

..APPLICANTS

VERSUS

1. State of Maharashtra
Through Police Station,
Bhaygya Nagar Nanded,
Tq. & Dist. Nanded
2. Vijaymala Sainath Khanjode
Age: 40 years, Occu.: Household,
R/o Surya Nagar, Wadi (Bk.),
Tq. & Dist. Nanded

..RESPONDENTS

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Mr. G.G. Suryawanshi, Advocate for applicants
Mr. S.D. Ghayal, A.P.P. for respondent no.1 – State
Mr. A.S. Jadhav, Advocate for respondent no.2

**CORAM : SMT. ANUJA PRABHUDESSAI AND
R.M. JOSHI, JJ.**

DATE : 25th JANUARY, 2023

PER COURT :

1. Heard finally at admission stage with consent of learned counsel for the respective parties.

2. This is an application under Section 482 of Code of Criminal Procedure filed by the aforestated applicants to quash the F.I.R. bearing C.R. No. 385 of 2020 registered with Bhayga Nagar Police Station, Dist. Nanded and consequent charge-sheet bearing R.C.C. No. 64 of 2021 pending on the file of Judicial Magistrate First Class, Nanded for the offences punishable under Sections 498-A, 323, 504 and 506 read with Section 34 of the Indian Penal Code.

3. The aforestated crime was registered pursuant to the F.I.R. lodged by the Respondent No.2. She has stated that she was married to Sainath Khanjode on 09th April, 2000. They have three children between the age group of 12 to 19 years from the said wedlock. Respondent No.2 has alleged that she was treated well for about two years after the marriage and thereafter Applicant No.1 – mother-in-law, Applicant No.2 – brother-in-law, Applicant No.4 – sister-in-law and their spouses subjected her to mental and physical cruelty. She has stated that thereafter her husband and these applicants started demanding Rs.3 lakhs for the purpose of construction of the

house. She has stated that all of them started ill-treating her for not meeting the unlawful demand of dowry. It is on the basis of the said report, F.I.R. has been lodged against these applicants.

4. Perusal of the F.I.R. and the other material on record reveal that the Respondent No.2 has made omnibus allegations of demand of dowry and cruelty against these applicants. She has not specified as to when they had demanded dowry. Moreover, Applicant Nos.2 to 5 reside in the different village. Suffice it to say that these applicants cannot be compelled to face the criminal prosecution on the basis of such omnibus allegations. Hence, in our considered view, this is a fit case to exercise discretion under Section 482 Cr.P.C. to prevent the abuse of process of the Court.

5. In the result, criminal application is allowed in terms of prayer clauses (B) and (B-1). Consequently, the F.I.R. bearing C.R. No. 385 of 2020 registered with Bhayga Nagar Police Station, Dist. Nanded and consequent charge-sheet bearing R.C.C. No. 64 of 2021 pending on the file of Judicial Magistrate First Class, Nanded for the offences punishable under Sections 498-A, 323, 504 and 506 read with Section 34 of the Indian Penal Code stand quashed, qua the applicants.

(R.M. JOSHI, J.)

(SMT. ANUJA PRABHUDESSAI, J.)

SSD