

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

CRIMINAL APPLICATION NO. 3074 OF 2022

Dwarkabai Dashrath Dodtale and Others

..APPLICANTS

VERSUS

State of Maharashtra and Another

..RESPONDENTS

....

Mr. A.V. Lavate, Advocate for applicants
Mr. A.R. Kale, A.P.P. for respondent no.1 – State
Mr. G.J. Pahilwan, Advocate for respondent no.2

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

PER COURT :

1. Heard.
2. This application has been filed for quashment of First Information Report ('F.I.R.'), being Crime No. 145 of 2022 registered with Wadwani Police Station, Dist. Beed for the offences punishable under Sections 498-A, 323, 504 and 506 read with Section 34 of the Indian Penal Code and consequent charge-sheet filed in R.C.C. No. 54 of 2022 pending on the file of Judicial Magistrate First Class, Wadwani, Dist. Beed.
3. Learned A.P.P. opposed to grant relief to the applicants.

4. Parents and brother-in-law of Respondent No.2 – informant are before this Court. Perused the F.I.R. and papers of investigation. It is a case of twenty-three years of marriage of the informant. It has been averred in the F.I.R. that for a period of initial six years of marriage, the informant was treated well and thereafter the applicants and husband (co-accused, who is not before this Court) started ill-treating her so as to fetch Rs.5 lakhs from her parents for purchase of Bolero vehicle. There is nothing further in the F.I.R.

5. On the other hand brought to the notice of this Court that the informant has filed a civil suit against her husband for partition of the joint family property. It was submitted by learned counsel for the applicants that the informant and her husband stayed together at husband's maternal uncle's residence and there was no occasion for the applicants to stay together with the informant and her husband. This is in the nature of defence of the applicants. The same cannot be gone into unless a sterling evidence is there in the proof of the same.

6. The fact however remains that the informant has alleged the applicants to have ill-treated her for over seventeen years for the same reason i.e. to fetch Rs.5 lakhs from her parents for purchase of Bolero vehicle. It is very easy to make allegations. It does not stand to the logic that the

applicants have ill-treated her for seventeen years over this reason and she kept bearing with the same for all this time. As such, we are of the view that the allegations against the applicants are general and vague in nature, without there being anything to substantiate the same. Thus, in our view allowing the prosecution to proceed against the present applicants would be an abuse of process of the Court. It would be also in the interest of justice to allow the application.

7. In the result, criminal application stands disposed of in terms of prayer clauses [C], [C-I] and [C-II]. Fees of Mr. Pahilwan, learned counsel appointed to represent Respondent No.2, is quantified to Rs.6,000/- (Rupees Six Thousand).

SSD

(SANJAY A. DESHMUKH, J.)

(R.G. AVACHAT, J.)