

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

CRIMINAL APPLICATION NO.3109 OF 2022

1. Hanumant s/o Mansing Tidke
Age: 54 years, Occu.: Service.
2. Jaishri w/o Hanumant Tidke
Age: 43 years, Occu.: Household,
Both R/o Padmnagh Niwas, Sambhaji
Nagar-2, Chaitnya Nagar Road, Nanded. ..Applicants

VERSUS

1. The State of Maharashtra
2. Manisha w/o. Santosh Tidke
Age: 25 years, Occu.: Household,
R/o. : C/o. Satish s/o Maroti Kendre
Shivkrupa Niwas, Bank Colony, Parli
Vaijnath, Tq. Parli Vaijnath, Dist.Beed. ..Respondents

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Mr. Vijay A. Dhakne, Advocate for Applicants
Mr. M.M.Nerlikar, APP for Respondent No.1
Mr. R.R. Shaikh, Advocate (appointed Through Legal Aid) for
Respondent No.2

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**CORAM : MANGESH S. PATIL &
M.M. SATHAYE, JJ.**

DATE : 6 March 2023

ORDER (MANGESH S. PATIL, J.) :-

Heard.

2. The applicants, who are the cousin parents-in-law of
respondent No.2, are seeking quashment of the charge-sheet

filed in FIR No.0108 of 2022, registered with Parli City Police Station, Tq. Parali Vaijnath, Dist. Beed, for the offences punishable under Sections 498A, 323, 504 and 506 read with Section 34 of the Indian Penal Code (IPC), subsequently registered as RCC No.138 of 2022 pending on the file of learned Judicial Magistrate First Class, Parali Vaijnath, by invoking powers of this Court under Sections 482 of the Code of Criminal Procedure.

3. The learned Advocate for the applicants vehemently submits that the allegations against the applicants are as vague as it could be. Except referring their names conjointly with the husband and parents-in-law, no specific role is attributed to them in subjecting the respondent No.2 to alleged cruelty. All the allegations are against the husband and the parents-in-law. Even admittedly the applicants are residing separately at Nanded. The case is squarely covered by the consistent view expressed by the Supreme Court and this Court in catena of judgments including ***Preeti Gupta and Another vs. State of Jharkhand and Another; AIR 2010 SC 3363*** and ***Geeta Mehrotra and Another vs. State of U.P. and Another; AIR 2013 SC 181***, wherein, in similar set of circumstances where the distant relatives of husband were roped in, vague allegations in the FIR

and lack of corroborating material in the charge-sheet, have compelled the Courts to quash the proceedings. The case is squarely covered by ***State of Haryana and Others vs. Ch. Bhajan Lal and Others; AIR 1992 SC 604*** as well. It would be gross abuse of process of the Court, if such distant relatives are allowed to be prosecuted and made to face the charge.

4. Learned APP for respondent No.1 – State submits that there is enough material for the trial Court to proceed against the applicants and a liberty deserves to be extended to the prosecution to establish the charge. The law is quite crystallized as far as prosecution of the distant relatives of the husband in proceeding for the offence punishable under Sections 498A etc. of IPC.

5. We have carefully gone through the papers. Except a bald and omnibus statement that too conjointly with husband and parents-in-law as well as the applicants, it has been alleged that respondent No.2 was subjected to cruelty. Though there are subsequent allegations regarding demand of money and the alleged ill-treatment physical as well as mental, no specific and exclusive role is attributed to the applicants. Even the FIR reads that the applicants are residing separately at Nanded whereas matrimonial home of the informant situate in Ghugewadi, Post

Malakoli, Tq. Loha, District Nanded. Though there are statements of maternal uncle, paternal uncle as well as parents of respondent No.2, those are equally vague and omnibus and do not attribute any specific role to the applicants. In our considered view, it would be gross misuse of process of the Court, if such distant relatives are made to face the charge on the basis of such vague allegations. The case is squarely covered by the judgments cited supra.

6. We allow the application and quash and set aside FIR No.0108 of 2022 registered with Parli City Police Station, Tq. Parali Vaijnath, Dist. Beed, for the offences punishable under Sections 498A, 323, 504 and 506 read with Section 34 of the Indian Penal Code (IPC), subsequently registered as RCC No.138 of 2022 pending on the file of learned Judicial Magistrate First Class, Parali Vaijnath, to the extent of the applicants.

(M.M. SATHAYE)
JUDGE

(MANGESH S. PATIL)
JUDGE