

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

981 CRIMINAL APPLICATION NO.2367 OF 2021

1. Gangubai w/o Dnyanoba Shiral
 2. Murlidhar s/o Dnyanoba Shiral
 3. Mira w/o Murlidhar Shiral
 4. Sharad s/o Murlidhar Shiral
 5. Mira w/o Dattatray Suryawanshi
- ..Applicants
(Accused No.2 to 6)

VERSUS

- . The State of Maharashtra
and Another
- ..Respondents

...
Advocate for Applicants : Mr.Janakwade Shivsamb N.
APP for Respondent No.1 : Mr.M.M.Nerlikar
Advocate for Respondent No.2 : Mr.Dudhate Shivaji Namdevrao

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

DATE : 23 March 2023

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

1. The applicants are seeking quashment of Crime No.262 of 2021 registered with Selu Police Station, Dist.Parbhani for the offence punishable under Sections 498-A, 323, 504 read with 34 of the Indian Penal Code as well as the consequent charge-sheet.
2. We have heard both the sides and perused the papers.
3. When we express our disinclination to grant any relief to applicant No.1, who happens to be mother-in-law of respondent

No.2, her learned Advocate seeks leave to withdraw application to her extent. Leave granted.

4. The FIR as also the statements of the parents and other relatives of respondent No.2 from parental side mention about the marriage having been solemnized on 15-06-2019. She had apparently cohabited in the matrimonial home for a period of about one and half year.

5. The allegations in the FIR and the statements of the witnesses are apparently general in nature as regards the role attributed to the other relatives other than husband and mother-in-law. Though they all have been named, we do not find any reference to their specific role in the FIR and in the statements of the witnesses and they have been only named with husband and mother-in-law. There are no specific and precise allegations which can be attributable to any of these applicants so that we can permit their prosecution.

6. The FIR mentions that in the morning of Sakrant of the year 2020, applicant No.3, who happens to be wife of the applicant No.2 and applicant No.2, who is brother of the husband are stated to have jointly with mother-in-law started abusing her. She was beaten by the mother-in-law and thereafter even the

husband gave her beating. The further allegations as regard to these other applicants are concerned, it is being vaguely alleged that they jointly with husband and mother-in-law abused and subjected her to cruelty. She also alleges about she being taunted and that there was demand of money. Again same is the case in the case of incident dated 16-12-2020 wherein all the applicants and the husband allegedly assaulted her.

7. Same is the version of parents of respondent no.2 in their statements under Section 161 of the Code of Criminal Procedure. If at all respondent No.2 was subjected to persistent physical and mental harassment, when she was residing in the parental home almost for one and half year, it was expected that some particulars would come forth particularly attributing overt act to each of the relations who have been sought to be roped in. The role attributable to these other applicants is in respect of the incidents wherein even the husband and the mother-in-law had participated.

8. In the absence of any concrete allegations and material revealing involvement of the applicants in subjecting respondent No.2 to cruelty, we need to be on guard in view of the usual tendency of roping in all the relatives of husband as noticed by the Supreme Court in the matters of **Preeti Gupta and**

another Vs. State of Jharkhand and another AIR 2010 SC 3363, Geeta Mehrotra and another Vs. State of U.P.; 2021 SCC OnLine SC 1251 and latest in the case of Kahkashan Kausar @ Sonam and others Vs. State of Bihar and others; (2022) 6 SCC 599.

9. It would be sheer abuse of process of Court if based on such quality of allegations and the material collected by the Investigating Officer, applicant Nos.2 to 5 are made to face the prosecution, which according to us in all probability would be an exercise in futility.

10. The application is partly allowed. The Crime No.262 of 2021 registered with Selu Police Station, Dist.Parbhani for the offence punishable under Sections 498-A, 323, 504 read with 34 of the Indian Penal Code as well as the consequent charge-sheet are quashed and set aside, to the extent of applicant Nos.2 to 5.

11. Application to the extent of applicant No.1 is dismissed as withdrawn.

**(M.M. SATHAYE)
JUDGE**

**(MANGESH S. PATIL)
JUDGE**