

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

CRIMINAL APPLICATION NO.3350 OF 2022

1. Sudhakar s/o. Achyutrao Tathe,
 2. Ramesh s/o. Achyutrao Tathe,
 3. Achyut s/o. Rustumrao Tathe,
 4. Sarjerao s/o. Rustumrao Tathe,
 5. Smt. Ashamati w/o. Ramesh Tathe
- ..Applicants

Vs.

The State of Maharashtra and anr. ..Respondents

Mr.B.G.Londhe, Advocate for applicants
Mr.M.M.Nerlikar, APP for respondent no.1
Mr.G.J.Patil, Advocate for respondent no.2

**CORAM : SMT. ANUJA PRABHUDESSAI
AND R.M.JOSHI, JJ.
DATE : JANUARY 25, 2023**

ORDER :-

Heard finally with the consent of learned counsel for the parties.

2. This is an application under Section 482 of the Code of Criminal Procedure for quashing FIR No.48 of 2016 registered with Bamni Police Station, Dist. Tq.Jintur, Dist. Parbhani, for the offences punishable under Sections 498-A, 323, 504 and 506 of Indian Penal

Code so also the criminal proceedings, i.e. R.C.C. No.264 of 2016, pending on the file of learned Judicial Magistrate, First Class, Jintur, Dist. Parbhani.

3. It may be mentioned that by order dated 13.10.2022, the application was dismissed as withdrawn as against the applicant no.1. Learned counsel for the applicants argued the matter on behalf of the applicant nos.2 to 4.

4. Heard learned counsel for the applicants, learned APP for respondent no.1 and learned counsel for respondent no.2.

5. The marriage of the respondent no.2 and the applicant no.1 was solemnised on 15.02.2012. She lodged the FIR on 16.10.2022, alleging that her husband, brother-in-law, sister-in-law and the father-in-law and his cousin demanded dowry of Rs.50,000/- and subjected her to physical and mental cruelty for not fulfilling the said demand.

6. Perusal of the FIR and the other material on record reveal that the respondent no.2 has made omnibus allegations against all the family members of her husband. She has not

specified as to when they had demanded the dowry. She has also not given the details of the illtreatment meted out to her.

7. Suffice it to say that these applicants cannot be subjected to criminal trial on the basis of vague allegations. Having gone through the FIR, in our considered view, this is a fit case to exercise powers under Section 482 of the Code of Criminal Procedure to prevent abuse of process of the Court.

8. Hence, the application is allowed in terms of prayer clause (B) qua the applicant nos.2 to 4. Consequently, FIR No.48 of 2016 registered with Bamni Police Station, Dist. Tq.Jintur, Dist. Parbhani, for the offences punishable under Sections 498-A, 323, 504 and 506 of Indian Penal Code so also the criminal proceedings, i.e. R.C.C. No.264 of 2016, pending on the file of learned Judicial Magistrate, First Class, Jintur, Dist. Parbhani, shall stand quashed qua the applicant nos.2 to 4.

[R.M. JOSHI, J.]

[SMT. ANUJA PRABHUDESSAI, J.]

KBP