

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

CRIMINAL APPLICATION NO.3479 OF 2022

Prakash s/o Dadarao Khetre & ors. ... **APPLICANTS**

VERSUS

The State of Maharashtra & anr. ... **RESPONDENTS**

.....
Mr. P.P. More, Advocate holding for
Mr. H.S. Bali, Advocate for applicants
Mr. R.B. Bagul, A.P.P. for respondent No.1.
Mrs. M.B. Bharad, Advocate for respondent No.2 (appointed)
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**CORAM : R.G. AVACHAT AND
SANJAY A. DESHMUKH, JJ.**

DATE : 21st JUNE, 2023

ORDER :

After hearing learned counsel for the applicants for some time, the Court expressed disinclination to grant relief to the applicant No.1. Learned counsel for the applicants, therefore, came around to withdraw the application of applicant No.1. Application of applicant No.1 thus stands disposed of as withdrawn.

2. This application has been moved for quashment of the F.I.R. No.0146/2022, registered at Begumpura Police Station, Aurangabad for the offence punishable under Sections 498-A, 323,

504 read with Section 34 of the Indian Penal Code and the consequential Charge Sheet No.132/2022 filed before the learned 6th Judicial Magistrate, First Class, Aurangabad.

3. Heard Mr. P.P. More, learned counsel holding for Mr. H.S. Bali, learned counsel for the applicants, learned A.P.P. for respondent No.1 and Mr. Bharad, learned counsel for respondent No.2.

4. The case of the informant, as is disclosed from the F.I.R. dated 24/8/2022 suggests that, she married the accused Prakash in January 2019. Thereafter she started residing at her matrimonial home. She was treated well for initial some days. The ill-treatment commenced from June 2019. The applicants No.2, 3 and 4 are mother-in-law, sister-in-law and brother-in-law of the informant. They are alleged to have harassed and ill-treated her so as to coerce her to fetch money from her brother.

5. Close reading of the F.I.R. would indicate that her grievance of ill-treatment is for the period from June 2019 to March 2022. Not a single specific incident of harassment or ill-treatment has been mentioned in the F.I.R. The allegations are general and omnibus. There is another aspect of the matter. The co-accused husband had issued her notice. When it was not responded to, the husband filed petition for dissolution of marriage. The informant

appeared therein and thereafter the F.I.R. came to be filed. Necessarily the statements of her relations are consistent with the F.I.R.

6. Learned counsel for the informant adverts our attention to the application dated 1/7/2022 preferred by the informant to the Commissioner of Police, wherein, according to him, details of harassment and ill-treatment have been given. Admittedly, one of the applicants is a married sister-in-law. True, her matrimonial home is in the same village. The F.I.R. and the application to the Commissioner of Police are, however, are silent to state as to when she used to visit her parental house and ill-treat the informant.

7. In our view, the averments in the F.I.R. coupled with the statements of witnesses indicate general and omnibus allegations have been made against the applicants No.2 to 4. In such circumstances, allowing the prosecution to proceed against the applicants No.2 to 4 would be nothing but sheer abuse of process of Court. Hence, we are inclined to allow the application of applicants No.2 to 4. Hence the order :-

ORDER

(i) Criminal Application is partly allowed.

(ii) The F.I.R. No.0146/2022, registered at Begumpura Police

Station, Aurangabad for the offence punishable under Sections 498-A, 323, 504 read with Section 34 of the Indian Penal Code and the consequential Charge Sheet No.132/2022 filed before the learned 6th Judicial Magistrate, First Class, Aurangabad are quashed as against applicants No.2 to 4.

(iii) Criminal Application stands disposed of accordingly.

(iv) Fees of Mrs. Bharad, learned counsel appointed for respondent No.2 is quantified at Rs.7000/- (Rupees seven thousand).

(SANJAY A. DESHMUKH, J.)

(R.G. AVACHAT, J.)

fmp/-