

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

CRIMINAL APPLICATION NO.3507 OF 2022

1. Pradnyapradip s/o. Vaijinath Suryawanshi
(*withdrawn*),
2. Vaijinath s/o. Tulshiram Suryawanshi
(*withdrawn*),
3. Sow. Shantabai w/o. Vaijinath Suryawanshi
(*withdrawn*)
4. Skandgupta s/o. Vaijinath Suryawanshi,
5. Tukamma d/o. Tulshiram Suryawanshi,
6. Chandrkant s/o. Tulshiram Kamble,
7. Anand s/o. Nilkantha Karvande,
8. Vaishali w/o. Anand Karvande ..Applicants

Vs.

1. The State of Maharashtra,
2. Pranita w/o. Pradnyapradip Suryawanshi ..Respondents

Ms.Sangmitra Wadmare, Advocate for applicants
Mr.N.T.Bhagat, APP for respondent no.1
Mr.N.R.Thorat, Advocate for respondent no.2

**CORAM : R.G.AVACHAT AND
SANJAY A. DESHMUKH, JJ.**

DATE : AUGUST 17, 2023

ORDER :-

This application under Section 482 of the Code of Criminal Procedure, has been filed for quashment of the FIR, being Crime No.0522 of 2021, registered with Vivekanand Chowk Police Station, Latur, for the offences punishable under Sections 498-A, 420, 495, 323, 504 and 506 read with Section 34 of Indian Penal Code and the

consequential Charge Sheet No.165 of 2022, pending before learned Judicial Magistrate, First Class, Court No.2, Latur.

2. Perused the First Information Report (F.I.R.) and the related police papers. The case of prosecution, as is revealed, is that respondent-wife married the co-accused – Pradip (applicant no.1) on 22.07.2018. On marriage, she started residing at her matrimonial home at Bidar along with her husband, parents-in-law and other in-laws. Co-accused – husband did not discharge his matrimonial obligations for about three months of marriage. The respondent-wife, therefore, related husband's such behavior to his parents. Thereupon, the parents-in-law (applicant nos.2 and 3) picked up quarrel with her over her marriage to have not been celebrated as per their expectations. Thereafter, the husband and his parents started picking up quarrel with her for one or the other reason. The respondent-wife, however, continued to cohabit with the hope of good days. Even, the brother-in-law and sister-in-law and husband's parents and cousin of his father also misbehaved with her. All of them asked her to fetch Rs.15 Lakhs for purchase of a plot. They told her that her father, since retired from service in the recent past, had money with him to meet their demand.

3. It is also the case of respondent-wife that while settlement of the marriage, she was informed that her husband – Pradip was M.B.A. and gainfully employed with a reputed company at Bengaluru. She would, therefore, ask him, as to when he was scheduled to go to Bengaluru to resume his job. It was later on realised that her husband was unemployed. She, thereafter, called her brother and came with him to her parental home for Sankranti festival of 2019. She related everything to her parents. They had, therefore, been to her matrimonial home to reason with the applicants. The applicants driven her parents out of the house. They also asked her parents to meet their demand of Rs.15 Lakhs. The respondent-wife thereby got depressed. She was law graduate. She started practicing law in the Court at Bidar. The applicants resisted her.

4. It is the further case of the respondent-wife that while practicing law, she realised that her husband had already been married. A petition for dissolution of his earlier marriage was pending in the Court. He married the respondent-wife when he had wife living. It is only thereafter, the marriage petition was allowed. As such, the respondent-wife and all her relations from her parental

side were duped. It is further her case that the applicants would starve her. She was confined in a room. All of them would instigate her husband to harass and illtreat her. Her brother-in-law got married on 29.11.2020. The marriage invitation was not extended to her parents. On that day itself, the applicants asked her to fetch Rs.15 Lakhs for purchase of a plot. The daughter of sister-in-law threatened the respondent-wife of not allowing her to cohabit. It is alleged that the husband of the respondent-wife had kept a bottle containing 2 liters of petrol in the cupboard. She was confined on 07.12.2020. She, therefore, called the police station on phone. She, however, could not give her location to the police. It is also her case that her mother-in-law relieved her of gold ornaments (*Stridhan*). She, therefore, called her brother on 12.12.2020 to take her back to her parental home.

5. Learned counsel for the applicants would submit that the allegations in the FIR are general, vague and omnibus in nature. Even, distant relations of the husband have not been spared. The respondent-wife is a practicing advocate. Had she really been in depression, she would not have contested the election of Sarpanch of village immediately after she left her matrimonial home.

According to learned counsel, asking the applicants to stand trial would be an abuse of the process of court. She, therefore, urged for allowing the application.

6. Learned APP and learned counsel representing respondent no.2 would, on the other hand, submit that the FIR is replete with the averments of illtreatment. Specific incidents have been highlighted. There are serious allegations of demand of Rs.15 Lakhs. Both learned counsel, ultimately, urged for rejection of the application.

7. Considered the submissions advanced. Perused the FIR and related police papers.

8. The husband (applicant no.1) has already withdrawn his application.

On appreciation of the material, we expressed disinclination to grant relief to the parents-in-law (applicant nos.2 and 3). Learned counsel for the applicants, therefore, withdraws their application.

The application of applicant nos.2 and 3 also, thus, stands disposed of as withdrawn.

9. As such, now, the applicants before us are brother-in-law and sister-in-law of the respondent-wife, sister of father-in-law, brother of father-in-law, husband of sister-in-law. They are necessarily distant relations of the husband. There is nothing to indicate that these applicants were residing with the respondent-wife, her husband and the parents-in-law. Applicant – Vaishali (sister-in-law) is married. Her husband also is an accused. Both of them are residing at Hyderabad. The allegations against them are general, vague and omnibus. No particular incident of harassment and illtreatment at the hands of these applicants has been highlighted in the FIR.

10. The respondent-wife is a practicing advocate. She claims to have become depressed on account of having been subjected to harassment and illtreatment. The record, however, indicates that she had unsuccessfully contested election of Village Sarpanch in December, 2020, i.e. in the month in which she had left the matrimonial home on account of illtreatment to have become unbearable. It is also surprising to observe that when the respondent-wife could talk the police on cellphone on 07.12.2020 when she was allegedly confined in a room, the police could not

reach her matrimonial home only because she could not give them her location. Some of the averments in the FIR, thus, found to be improbable.

11. It is reiterated that the averments in the FIR as regards applicant nos.4 to 8 are general, vague and omnibus. Directing these applicants to stand trial based on such material, would be an abuse of process of the court.

12. In the result, the application is allowed in terms of prayer clause (B) qua applicant nos.4 to 8.

[SANJAY A. DESHMUKH, J.]

[R.G. AVACHAT, J.]

KBP