

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

997 CRIMINAL APPLICATION NO.3736 OF 2022

Sharda W/o. Dilip Askand.

... Applicant

Versus

1. The State of Maharashtra.

2. Usha W/o Ramprakash Bilore.

... Respondents

...

Mr. Mukund L. Kolhe, Advocate for Applicant.

Mr. M. M. Nerlikar, APP for Respondent No.1 / State.

Mr. V. H. Solanke, Advocate for Respondent No.2.

...

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

DATE : 22nd August, 2023.

Per Court:

. Heard.

2 This application has been filed for quashment of FIR and consequential charge-sheet in RCC No.1054 of 2023, pending before the 5th Judicial Magistrate First Class, Aurangabad, for the offences punishable under Sections 498-A, 323, 504 and 506 read with 34 of the Indian Penal Code.

3 What can be gathered from the FIR and the police papers,

is that the applicant is a sister-in-law of the respondent/wife. She has been married and residing at her matrimonial house at Ghansawangi, District Jalna. While the matrimonial home of the respondent/wife was at Pune. It has been alleged that the applicant whenever used to visit the informant's matrimonial home at Pune, she used to instigate the husband of the informant/wife to ill-treat her. The applicant allegedly asked the respondent/wife to leave the matrimonial home for her parental house and return only with an amount of Rs.5,00,000/-. The informant/wife was also asked to leave her children behind.

4 The learned counsel for the informant/wife and the learned APP for the State would submit that the averments in the FIR and the statements of the relations of the respondent/wife, are sufficient to proceed against the applicant since *prima-facie* offence is made out against her.

5 They may be correct if one decides to go by the FIR. There is, however, other aspect of the matter. The FIR is silent to highlight a single incident of alleged ill-treatment or instigation by the applicant herein. The respondent/wife has a matrimonial life of about 17 years. The marriage of the applicant even took place before the marriage of the respondent/wife. The applicant's matrimonial home is at Ghansawangi, District Jalna. The FIR is silent to state as to when

the applicant used to visit the respondent/wife's matrimonial home to instigate the husband. Just two months before lodging of the FIR, the respondent/wife had made a complaint to the Police Inspector, Women's Grievance Redressal Cell (Bharosa Cell), Aurangabad (City). A copy thereof is on the record. Close reading thereof indicates the respondent/wife to have not alleged anything against the present applicant. We have, therefore, every reason to observe the averments against the applicant in the FIR to have been afterthought. Those are also vague, omnibus and general in nature. Directing the applicant to stand trial based on such material, would be an abuse of process of Court. Hence, the application is allowed in term of prayer clause (B).

[SANJAY A. DESHMUKH, J.]

[R. G. AVACHAT, J.]

nga