

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

CRIMINAL APPLICATION NO.3850 OF 2022

1. Sushil s/o. Shivanand Opale
2. Mayuri w/o. Sushil Opale ..Applicants

Vs.

1. The State of Maharashtra
2. Aishwarya w/o. Nitin Opale ..Respondents

Mr.P.P.Wangikar, Advocate h/f. Mr.R.V.Gore, Advocate for applicants
Mr.A.R.Kale, APP for respondent no.1
Mr.M.B.Sandanshiv, Advocate for respondent no.2

**CORAM : R.G.AVACHAT AND
SANJAY A. DESHMUKH, JJ.
DATE : SEPTEMBER 20, 2023**

ORDER :-

By this application under Section 482 of the Code of Criminal Procedure, the applicants pray for quashment of the First Information (FIR), being Crime No.0292 of 2022, registered with Majalgaon City Police Station, Tq. Majalgaon, Dist. Beed, for the offences punishable under Section 498-A, 323, 504 and 506 read with Section 34 of Indian Penal Code and consequential proceedings in R.C.C. No.22 of 2023, pending before learned Judicial Magistrate, First Class, Majalgaon, Dist. Beed.

2. What can be gathered from the FIR and police papers is that respondent no.2 – wife married with co-accused Nitin on 13.08.2020. On marriage, she started residing at her matrimonial home at Majalgaon, Dist. Beed. She was treated well for about first two months of marriage. It has been averred in the FIR that the husband, his parents (not before this Court) and husband's brother and his wife (applicants herein) started harassing so as to coerce her to fetch Rs.One Lakh to meet the family's financial need, since the financial condition of the in-laws had worsen. The incident dated 07.05.2021 has been highlighted in the FIR, stating that the husband, his parents and present applicants beat up respondent no.2 and turned her away out of the matrimonial home with a direction to return with Rs.One Lakh.

3. Learned counsel for the applicants would submit that both the applicants are staying at Pune since before the marriage of respondent no.2. On the given day, i.e. on 07.05.2021, applicant no.1 was on duty at Pune. She has placed on record certain documents in support thereof. According to her, the averments in the FIR are general, vague and omnibus in nature. She, therefore, urged for allowing the application.

4. Learned APP for respondent no.1 – State and learned counsel for respondent no.2 – informant have strong reservations to allow the application. According to them, the FIR is replete with the allegations of illtreatment. Even, specific incident dated 07.05.2021 has been highlighted. Learned counsel, ultimately, urged for rejection of the application.

5. Considered the submissions advanced. Perused the FIR and related papers.

6. Applicant no.2 is co-sister of respondent no.2- informant. It is illogical to imagine that applicant no.2 would join her in-laws in illtreating her co-sister with a view to coerce her to fetch unlawful demand of money.

7. Applicant no.1 is serving in a private company at Pune. A document in the nature of his attendance during May, 2021, has been placed on record. There is no challenge to this document. It is evident therefrom that on 07.05.2021, applicant no.1 was on duty. The distance between the work-place of applicant no.1 and Majalgaon is more than 250 kms. As such, it appears that on the

given day, both the applicants were not at the matrimonial home of respondent no.2. As regards rest of the allegations in the FIR, the same are stated to be general, vague and omnibus. Directing the applicants to stand trial, based on such material, would be an abuse of the process of Court. The application, therefore, deserves to be allowed.

8. In the result, the application is allowed in terms of prayer clauses (B) and (G).

[SANJAY A. DESHMUKH, J.]

[R.G. AVACHAT, J.]

KBP