

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

77 CRIMINAL APPLICATION NO.3074 OF 2021

SAINATH MADHAVRAO BUCHADE AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

...

Advocate for the applicants : Mr.A.P. Basarkar
APP for the respondent – State : Mr.S.D. Ghayal
Advocate for the respondent no.2 : Mr.Ishwar K. Wagh h/f Mr.M.S. Bhosale

...

**CORAM : MANGESH S. PATIL &
M.M. SATHAYE, JJ.**

DATE : 06 MARCH 2023

PC :

Heard.

2. The applicants are the husband and parents-in-law of respondent no.2 and seeking quashment of crime No.I-526 of 2021 registered with M.I.D.C. Police Station, Latur registered at her instance, by resorting to provision of section 482 of the Criminal Procedure Code.

3. We have heard learned advocate for the applicants, learned APP and learned advocate for respondent no.2, who tenders across the bar her affidavit in reply, which is taken on record.

4. The application to the extent of the husband - applicant no.1 has already been withdrawn. The application only to the extent of the parents-in-law remains to be considered.

5. A plain reading of the F.I.R. *inter alia* indicates that it is only after the matrimonial dispute had arisen after six months of the marriage that along with the husband naming the parents-in-law respondent no.2 alleges that they all were demanding money and by suspecting her character were assaulting her. Though, there are several allegations against the husband regarding demand of money, the only sentence in the F.I.R. regarding parents-in-law is their insistence for payment of money as a condition for allowing her to resume cohabitation that was conveyed to her after she had left their company on 30 June 2021 and had started residing with her parents.

6. The statements of the witnesses are in tune with the allegations in the F.I.R. and do not refer to any other episode attributing the sufficient and precise allegations against the parents-in-law, who have been residing at Nanded whereas respondent no.2 was cohabiting with the husband at Ahmednagar.

7. Considering the absence of specific and precise allegations against the parents-in-law, it would be sheer abuse of

process of law to allow their prosecution with the quality of allegations levelled against them.

8. Suffice for the purpose to refer to catena of judgments like ***Geeta Mehrotra and another Vs. State of U.P; AIR 2013 SC 181*** and ***Kahkashan Kausar @ Sonam and others Vs. State of Bihar and others; (2022) 6 SCC 599***. The case would squarely be covered the instances mentioned in ***State of Haryana and others Vs. Ch. Bhajan Lal and others; AIR 1992 SC 604***.

9. The application is allowed partly. The Crime No.I-526 of 2021 for the offences punishable under sections 498-A, 323, 504, 506 read with 34 of the Indian Penal Code, registered with M.I.D.C. Latur Police Station as against applicant nos.2 and 3 stands quashed.

[M.M. SATHAYE]
JUDGE

[MANGESH S. PATIL]
JUDGE

sga/