

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

991 CRIMINAL APPLICATION NO.4224 OF 2022

1. Anand s/o Yadav Shinde
2. Arti w/o Dnyaneshwar Kamble
3. Anuja w/o Vikas Patre (as per FIR)
Anita w/o Vikas Patre (as per Aadhaar card) ...Applicants

versus

1. The State of Maharashtra
2. Pranita w/o Akash Shinde ...Respondents

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Advocate for Applicants : Mr. Sohail Subhedar h/f Mr. N.S. Ghanekar
APP for Respondent No.1: Mr. A.R. Kale
Advocate for Respondent No.2 : Mr. V.S. Valse

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**CORAM : R. G. AVACHAT AND
SANJAY A. DESHMUKH, JJ.
DATED : 2nd NOVEMBER, 2023.**

PER COURT :-

Heard.

2. This application is filed under Section 482 of Cr.P.C. for quashment of F.I.R. No. 0427 of 2022 registered with Shivaji Nagar police station, Latur for the offences punishable under Sections 498-A, 323, 504, 506 r.w. 34 of I.P.C. and consequential proceeding bearing R.C.C. No. 567 of 2023 pending before the learned Chief Judicial Magistrate, Latur.

3. It is the case of the prosecution that respondent No.2-wife

married co-accused Akash in March, 2021. Akash has been serving as technician with MSEB at Manchar in Pune district. On marriage, respondent No.2 started residing alongwith her husband, parents-in-law and the present applicants, at her matrimonial home. She was treated well for a period of one month of the marriage. The husband, his parents and present applicants thereafter, started harassing and ill-treating her over her looks and having not been duly honoured in the marriage. The harassment and ill-treatment was also in connection with having not been paid adequate dowry. She was even asked to fetch Rs.15,00,000/- from her parents for purchase of house in Pune and four wheeler. It has further been averred that she was driven out of matrimonial home after having been beaten up.

4. On the same lines are the statements of the relations of respondent No.2.

5. The applicants before us are two married sisters-in-law and brother-in-law of respondent No.2. Learned advocate for respondent No.2 adverts our attention to the application preferred by respondent No.2 under Section 12 of Protection of Women from Domestic Violence Act, 2005, wherein it has been stated that the sisters-in-law have been staying alongwith their parents. He also adverts our attention to similar application preferred by respondent No.2 against her husband and in-laws, suggesting that she has been staying at her parental house. According to learned advocate, there are averments, in the F.I.R., of

physical and mental ill-treatment on account of unlawful demand of Rs.15,00,000/-. Learned A.P.P. and learned advocate for respondent No.2 would further submit that no mini trial can be conducted in this proceeding. There is material to frame charge against the applicants. They therefore, urge for dismissal of the application.

6. Considered the submissions advanced. Perused the F.I.R. and relevant papers. Close reading of F.I.R. would indicate that it was co-accused Akash who started harassing and ill-treating respondent No.2 on account of her looks. According to him, he was made to marry her against his wish. She was ill-treated on account of having been paid inadequate dowry and were not duly honoured in the marriage. The husband and his parents are not before this Court. Although the present applicants have been named in the F.I.R. attributing them overt act regarding harassment and ill-treatment, the F.I.R. is conspicuously silent to state the date and time on which these applicants had harassed and ill-treated her. As such, it's a case of vague, general and omnibus allegations so far as against the applicants are concerned and directing them to stand trial on such allegations would be an abuse of process of the court.

7. In view of the above, criminal application is allowed in terms of prayer clause "B" and "D-1".

(SANJAY A. DESHMUKH, J.)

(R. G. AVACHAT, J.)