

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

CRIMINAL APPLICATION NO.3510 OF 2018

UDAY S/O. MOHAN BOKAN AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND ANR

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Mr. A. K. Bhosle, Advocate for the Applicants.
Mr. P. G. Borade, APP, for the Respondent – State.
Mr. D. A. Naik, Advocate for the Respondent No. 2.

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CORAM : SMT. ANUJA PRABHUDESSAI &
R.M. JOSHI, JJ

DATE : MARCH 01, 2023

PER COURT :

1. This is an application under Section 482 of Cr.P.C. to quash the first information report no. 319/2018 registered with Satara Police Station, Aurangabad and R.C.C. No. 319/2018 pending on the file of learned JMFC, Aurangabad for the offences punishable under Sections 498-A, 323, 504, 506 read with Section 34 of the Indian Penal Code.

2. The aforesaid crime was registered pursuant to the first information report lodged by the Respondent No. 2. The marriage between the Respondent No. 2 and the son of the Applicant No. 3 herein was solemnized on 01.03.2017. The Respondent No. 2 lodged the FIR on

12.09.2018 alleging that she was treated well for about 8 days from the date of her marriage and thereafter she was subjected to physical and mental cruelty. She has stated that her husband demanded money from her parents to purchase a plot. She has further stated that her husband was an alcoholic, for which reason they had to leave the rental premises. She claims that her husband used to assault her under the influence of alcohol. She further alleged that her husband and his family members drove her out of house on 14.06.2018 and since then she is residing with her brother. Based on these allegations, the aforestated offence came to be registered.

3. The records reveal that the matter was referred for mediation and settlement terms are on record. A perusal of the said terms indicate that the Respondent N. 2 and her husband had agreed to file divorce petition by mutual consent and it was also agreed that the husband of the Respondent No. 2 would pay to her an amount of Rs. 4,00,000/- and the Respondent No. 2 has given no objection to quash the FIR.

4. Learned Counsel for the Applicants states that pursuant to the said settlement terms marriage petition was filed. It is stated that the husband of the Respondent No. 2 died during the pendency of the divorce petition.

5. Having gone through the records, we are of the considered view that the allegations of cruelty are essentially against the husband. Applicant No. 1 is the brother-in-law, Applicant No. 2 is the married sister-in-law whereas Applicant No. 3 is the mother-in-law of the Respondent No. 2. The allegations against these Applicants are omnibus. There are no specific accusations that they had subjected her to cruelty within the meaning of clause (a) or (b) of explanation or (1) & (2) to Section 498-A of IPC. In such circumstances, continuation of criminal proceedings against these Applicants would be sheer abuse of the process of Court.

6. In the result, the Criminal Application is allowed in terms of prayer clauses 'B' and 'C-A'. Consequently, first information report no. 319/2018 registered with Satara Police Station, Aurangabad and

R.C.C. No. 319/2018 pending on the file of learned JMFC, Aurangabad for the offences punishable under Sections 498-A, 323, 504, 506 read with Section 34 of the Indian Penal Code are hereby quashed.

(R.M. JOSHI, J.)

(SMT. ANUJA PRABHUDESSAI, J)