

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

CRIMINAL WRIT PETITION NO. 16 OF 2023

- | | |
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| 1. Sachin Angad Gitte | |
| 2. Mahananda Angad Gitte | |
| 3. Angad Bhimrao Gitte | ..PETITIONERS |

VERSUS

- | | |
|-------------------------|---------------|
| 1. State of Maharashtra | |
| 2. Pooja Sachin Gitte | ..RESPONDENTS |

WITH

CRIMINAL WRIT PETITION NO. 1799 OF 2022

- | | |
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| 1. Ashish Angad Gitte | |
| 2. Anjali Ashish Gitte @
Rupali Daulatrao Satbhaye | |
| 3. Shital Ravishankar Shirsath | |
| 4. Ravishankar Laxmanrao Shirsath | ..PETITIONERS |

VERSUS

- | | |
|-------------------------|---------------|
| 1. State of Maharashtra | |
| 2. Pooja Sachin Gitte | ..RESPONDENTS |

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Mr. A.A. Phad, Advocate for petitioners
Mr. R.B. Bagul, A.P.P. for respondent no.1 – State
Ms. Pallavi Wangikar, Advocate for residing no.2 (appointed)

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**CORAM : R.G. AVACHAT AND
SANJAY A. DESHMUKH, JJ
DATE : 06th JULY, 2023**

PER COURT :

1. Both these petitions, under Section 482 of Code of Criminal Procedure, have been filed for quashmemnt of First Information Report ('F.I.R.'), being Crime No. 326 of 2022, registered with Deopur Police Station,

Dist. Dhule for the offences punishable under Sections 498-A, 323, 504 and 506 read with Section 34 of the Indian Penal Code and consequential charge-sheet filed in R.C.C. No. 158 of 2023 pending on the file of J.M.F.C., Dhule.

2. Heard.

3. Case of the prosecution, as is disclosed from the F.I.R. and police papers, is :-

Respondent No.2 - wife married Petitioner No.1 in January 2017. On marriage, she started residing at her matrimonial house at village Talani, Tq. Ambajogai, Dist. Beed. Petitioner No.1 - husband has his business in Pune. Two months after the marriage, he alone went to Pune. Respondent No.2 - wife, therefore, called her father to ensure that she should join her husband at Pune. That time the other petitioners, in-laws, picked up quarrel with father of the informant and she was asked to be taken back to her parental house. Since Respondent No.2 - wife insisted her husband to take her to Pune, he went to her parental house on 28th April, 2017. There he made a scene. He abused parents of Respondent No.2 - wife and took her to Pune. In Pune, Petitioner No.1 ill-treated her. He even used to give her burns with cigarette. Above in-laws used to visit Pune. During their such visits, they used to instigate Petitioner No.1 to ill-treat Respondent No.2 - wife with a view to coerce her to fetch Rs.20 lakhs from her parents for

purchase of flat. That time also the petitioners physically assaulted her. Respondent No.2 - wife conceived in October 2017. Petitioner No.1 - husband started suspecting her character. In February 2018, Petitioner No.1 - husband driven her out of the house in Pune. She had, therefore, no option but to take shelter at her parental house at Dhule. In July 2017she delivered a baby girl. None of the petitioners came to see her daughter. Efforts for reconciliation were made by parents and brother of the informant. When the efforts failed, the informant lodged the report in September 2022 to Barosa Cell, Office of Superintendent of Police, Dhule. Thereafter, the F.I.R. came to be registered on 23rd November, 2022.

4. On registration, crime came to be investigated. The charge-sheet has been filed. Statements of relations of the Respondent No.2 - wife are consistent with the averments in F.I.R.

5. Learned counsel for the petitioners would submit that averments in the F.I.R. are general, vague and omnibus. No specific incident of ill-treatment has been narrated therein. Respondent No.2 - wife had stayed only two months at her matrimonial house. Thereafter she joined her husband in Pune. Other petitioners, in laws had no occasion to stay with her in Pune. As such, there is no question of Respondent No.2 - wife to have been ill-treated by them. He, therefore, urged for grant of petitions.

6. Learned A.P.P. and learned counsel for Respondent No.2 - wife, on the other hand, submit that the F.I.R. is replete with allegations of ill-treatment. Statements of relations of the informant reinforce the same. According to them, Respondent No.2–wife was waiting for reconciliation and therefore, there was delay in lodging the F.I.R. Both of them urged for rejection of the petitions.

7. Considered the submissions advanced. Perused the F.I.R. and related police papers.

8. The F.I.R. itself discloses that Respondent No.2 – wife stayed two months at her matrimonial house. Thereafter her husband left for Pune, his business place. She wanted to join her husband in Pune. She however, came back to her parental house. It is only in April 2017, the husband took her to Pune. Both of them stayed there together. As such, other petitioners (in-laws) had been at village Talani. The F.I.R. is silent to state day, date and time or even month in which the other petitioners had been to Pune to instigate the husband to ill-treat Respondent No.2 - wife so as to coerce her to fetch a sum of Rs.20 lakhs. There is delay of little over three and half hours in lodging of F.I.R. Since the allegations against the in-laws are general, vague and omnibus, directing them to stand trial based on such material would be an abuse of process of Court. We are, therefore, inclined to grant them relief.

9. When the Court expressed disinclination to grant relief to petitioner – husband, learned counsel, came around to seek withdrawal of his petition.

10. In view of above, both the petitions are allowed in terms of prayer clauses (B) and (BB) therein, except Petitioner No.1 – Sachin Angad Gitte in Criminal Writ Petition No. 16 of 2023, for whom said petition stands disposed of as withdrawn. These petitioners shall deposit a sum of Rs.10,000/- (Rupees Ten Thousand) with this Court within eight days towards fees of appointed counsel. Once the amount is deposited, the same be paid to Ms. Pallavi Wangikar, learned counsel, appointed to represent Respondent No.2. Depositing the amount is a condition precedent.

11. Stand over to 18th July, 2023, for compliance of order.

(SANJAY A. DESHMUKH, J.)

(R.G. AVACHAT, J.)

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