

rajshree

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.635 OF 2023

Girish Suresh Deshmukh & Ors.] .. Applicants

vs.

State of Maharashtra & Anr.] .. Respondents

Mr.Priyal Sarda a/w Shubham Sane and Seema Dighe, for the Applicants.

Mr.Y.M. Nakhwa, APP for the State.

Mr.Swapnil Chopade a/w Prateek Jha, for Respondent No.2.

CORAM : BHARATI DANGRE, J

DATE : 29th August, 2023.

P.C.

1] Heard the learned counsel Mr.Priyal Sarda for the Applicants, Mr. Chopade, the learned counsel for Respondent No.2 and Mr. Y. M Nakhwa, APP for the State.

2] `The Criminal Application is filed being aggrieved by an order of issuance of process dated 23.03.2017, against Accused Nos.1 to 8 for the offence punishable under Section 498A read with 34 of the IPC.

The present Applicants are Accused Nos.1 to 3 being the husband, father in law and mother in law of the Complainant, who has lodged complaint before the Magistrate.

On receipt of the complaint, the Magistrate recorded verification statement of the complainant and the said statement is annexed as Exhibit B to the Application.

3] The verification statement when minutely read, refer to certain vague allegations reflecting upon the relationship shared by the complainant with the accused persons from the date of her marriage i.e. 03.06.2013. However, there are specific allegations levelled against Accused No.1, the husband as regards demand of money and compelling her to bring money from her father and on refusal to do so, she is alleged to have been assaulted by accused Nos.1, 3 and 5. The specific allegations are also found against accused No.3 about the victim being assaulted which resulted into her hospitalization and she was asked to give false reason for the injuries sustained and was put under pressure to give the said statement.

Admittedly, there are no specific accusations levelled in the verification statement against the father in law i.e. Applicant No.2. Since it is a settled position of law that vague and omnibus allegations are not sufficient to establish charge under Section 498A of the IPC, this principle in law would apply to Accused No.2.

4] However, as far as Accused Nos.1 and 3 are concerned, since the ingredients of Section 498A of the IPC are, prima facie made out, I do not find any error in the order of issuance of process against Accused Nos.1 and 3.

In the wake of above, Application stands dismissed against Accused Nos.1 and 3.

However, as regards Accused No.2 the allegations being general in nature and do not satisfy the ingredients of Section 498A of the IPC, hence, the order passed by the Magistrate dated 23.03.2017 against Accused No.2 is quashed and set aside.

Accordingly, Application stands partly allowed in respect of Accused No.2.

[BHARATI DANGRE, J]