

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY :**  
**NAGPUR BENCH : NAGPUR.**

**CRIMINAL APPLICATION (APL) NO. 1459/2022**

1. Sau. Renuka w/o Dipak Bind,  
Aged about 33 years, Occ. Household,
2. Dipak s/o. Sudhakar Bind,  
Aged about 53 yrs. Occ. Service,  
Application Nos. 1 & 2 R/o. Saikarmal,  
Malton Fata, Shikapur, Tq. Shirod,  
Dist. Pune.
3. Sau. Sangeeta w/o. Ajay Shetye,  
aged about 49 yrs., Occ. Household,
4. Ajay s/o. Balwant Shetye,  
aged about 53 yrs., Occ. Agriculturist,  
Applicant Nos. 3 & 4 are R/o. Near  
Gajanan Maharaj Mandir, Savkarpura,  
Anjangaon Surji, Dist. Amravati.

... **APPLICANT**

**VERSUS**

1. The State of Maharashtra,  
through Police Station Officer, P.S. Akot,  
Dist. Akola.
2. Sau. Aarti w/o. Akshay Bhujbhal,  
aged about 26 yrs., Occ. Household,  
R/o. C/o. Pramod Shankar Wadalkar,  
Mundgaon, Tq. Akot, Dist. Akola.

... **NON-APPLICANTS**

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Mr. A. B. Mirza, Advocate for applicants  
Mr. V. A. Thakare, APP for non-applicant No.1.  
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**CORAM : VINAY JOSHI AND  
VALMIKI SA MENEZES, JJ.**  
**DATE : 01.08.2023.**

**ORAL JUDGMENT (PER VINAY JOSHI, J.) :**

Heard.

2. **Admit.**

3. This application seeks to quash First Information Report ('FIR') vide Crime No. 15/2022 for the offence punishable under Sections 498-A, 323, 504, 506 read with Section 34 of the Indian Penal Code registered with Police Station Akot, Dist. Akola, charge-sheet bearing No. 20/2022 filed before the learned Judicial Magistrate First Class, Akot and R.C.C. NO. 49/2022.

4. The applicants are nearer relatives of husband who claims quashing of the criminal prosecution on account of false implication. Learned APP has opposed the application by stating that the informant lady has stated the role of applicants. Though the informant is served, she chooses to remain absent.

**3**

5. Applicant No. 1 is sister-in-law whilst applicant No. 2 is her husband. Applicant No. 3 is sister of informant's mother-in-law and applicant No.4 is her husband. The report was lodged against husband and mother-in-law (not before the Court) along with applicants who are nearer relatives of husband. The couple got married on 28.02.2021. It is informant's case that soon after the marriage, she was harassed by her husband and mother-in-law by raising unlawful demand of Rs. 2,00,000/- for purchase of flat. She alleges that applicant Nos. 1 and 2 (sister-in-law and her husband) though residing separately, however telephonically reiterated monetary demand. She stated that on 29.07.2021, she was taken to the house of applicant Nos. 3 and 4 where they have insisted for monetary demand and therefore, she returned to maternal house.

6. We have examined the statement of the relatives of the informant which are on the similar line. Apparently, after marriage, informant started to reside at her matrimonial house with co-accused i.e. her husband and mother-in-law. Admittedly, applicants are not residing at said place, but they are residing elsewhere. Applicant Nos. 1 and 2 are residing at District Pune, whilst applicant Nos. 3

## 4

and 4 who are distant relatives are residing away at Amravati. We could hardly find a reference of applicant Nos. 1 and 2 besides their isolated demand on telephonic. So far as applicant nos. 3 and 4 are concerned, they are connected with isolated incident dated 29.07.2021, when the informant was taken to their house by her mother-in-law.

7. Implication of all family members in matrimonial proceeding is a general phenomenon. The Supreme Court in reported case of **Preeti Gupta & another Vs. State of Jharkhand and another, 2010(6) Supreme 312** has expressed concern about such tendency of implication of all family members in the matrimonial proceeding. Particularly, it has been expressed that while exercising inherent powers under Section 482 of the Code of Criminal Procedure, the Court shall examine the factual aspect and exercise jurisdiction in defeating cases.

8. In order to constitute offence under Section 498-A of the Indian Penal Code, the act of the party shall find place either within Clause (I) or (II) of the Section itself. Besides vague allegations

## 5

against applicant No. 1 and 2 about isolated phone calls, there is nothing against them. The very object of the justice is to find out the truth and punish the guilty as well as to protect the innocent. The criminal trial always leads immense of suffering for the concerned, when without substance they have been involved in the case. The material adduced in police paper falls short to make out a prima facie case, therefore we are inclined to exercise our jurisdiction.

9. In view of above, application is allowed. We hereby quash and set aside FIR vide Crime No. 15/2022 for the offence punishable under Sections 498-A, 323, 504, 506 read with Section 34 of the Indian Penal Code registered with Police Station Akot, Dist. Akola, charge-sheet bearing No. 20/2022 filed before the learned Judicial Magistrate First Class, Akot and R.C.C. No. 49/2022 as against applicant Nos. 1 to 4 only.

10. Application stands disposed of in above terms.

(VALMIKI SA MENEZES, J.)

(VINAY JOSHI, J.)

Gohane