



IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO.409 OF 2023

1. Rahul S/o. Madhukar Mule,
2. Shashikala W/o. Madhukar Mule,
3. Madhukar S/o. Jairam Mule,
4. Prashant S/o. Madhukar Mule,
5. Anant S/o. Madhukar Mule,
6. Gunwant S/o. Madhukar Mule,
7. Sumitra W/o. Ashok Gaikwad, ... **APPLICANTS**

**VERSUS**

1. The State of Maharashtra,  
through Superintendent of Police,  
Hingoli.
2. The Investigation Officer,  
Police Station, Basmath (City)  
Tq. Basmath Nagar Dist. Hingoli.
3. Sau. Rani W/o. Rahul Mule ... **RESPONDENTS**

...

Advocate for applicants : Mr. Dhananjay M. Shinde

A.P.P. for respondent/State : Ms. P.V. Diggikar

Advocate for respondent No.3 : Mr. S.P. Katneshwarkar

...

**CORAM** : **MANGESH S. PATIL &  
SHAILESH P. BRAHME, JJ.**

**DATED** : **14.03.2024**

**ORDER (PER : MANGESH S. PATIL, J.) :**

This is an application under Section 482 of the Code of Criminal Procedure seeking quashment of the crime bearing FIR No.298/2022 registered with Basamath (City) Police Station, Tq. Basmath Nagar Dist. Hingoli for the offences punishable under Section

498-A, 323, 504, 506 read with section 34 of the Indian Penal Code, the consequent charge-sheet and Regular Criminal Case No.114/2023 pending with learned Judicial Magistrate First Class, Basmatnagar District Hingoli.

2. We have heard both the sides finally at the stage of admission.

3. Respondent No.2 lodged the FIR with the allegations *inter alia* that she was married to the applicant No.1 in the year 2017. She was maintained properly for a period of first two years, however, thereafter her husband i.e. applicant No.1 and rest of the applicants started taunting her on her looks. She was insulted by saying that she was useless and applicant No.1 – husband started suspecting her chastity. Even he disowned the child. He used to assault her. A demand for money was raised for construction of house, she was abused and was kept starving.

4. The FIR then alleges that applicant No.1 – husband was then serving in Agartala Tripura and her father dropped her at his place on 25.11.2019. She cohabited with him there for about 10 months during the COVID times. However on 20.09.2020 he dropped her at her paternal home. He quarreled with her parents and maternal side relatives. He then took her to the matrimonial home where she stayed for couple of months. She got pregnant second time, however, applicant No.1 – husband left her there and proceeded to the place of work in

Tripura. It is alleged that on 18.02.2021 the rest of the applicants abused and assaulted her. She narrated the incident to her parents telephonically who brought her back to the parental home on 19.02.2021. She then submitted an application to the Women's Grievance Cell on 03.06.2021 but nothing fructified and ultimately she had to file the FIR.

5. After hearing both the sides when we express our disinclination to grant any relief to applicant Nos.1 to 3 who are the husband and his parents, the learned advocate for the applicants, on instructions, seeks leave to withdraw the application to their extent.

6. The applicant Nos.4 to 6 are the brothers of the husband and the applicant No.7 is their maternal aunt.

7. The learned advocate for the applicants would take us through the charge-sheet and would submit that accepting the allegations at their face value, though something can be attributed to the husband and the parents-in-law, rest of the applicants have been falsely implicated to wreak vengeance. There are no specific and precise allegations against any of them. It is the abuse of the process of law. The application to their extent may be allowed.

8. Per contra, the learned APP and the learned advocate for the respondent No.3 would oppose the application. They would submit that there is enough material to reveal complicity of the applicant Nos.4 to 7. The FIR is not expected to be an encyclopedia. An opportunity deserves to be extended to the prosecution to substantiate the allegations. There

are statements of the witnesses corroborating the version in the FIR. The extraordinary jurisdiction of this Court under Section 482 of the Code of Criminal Procedure need not be invoked.

9. We have carefully considered the rival submissions and perused the papers.

10. To repeat, we are merely to consider the role attributable applicant Nos.4 to 7 who are the brothers of the husband and their maternal aunt.

11. Obviously, the FIR as well as the statements of the witnesses name all these applicant Nos.4 to 7. The question is as to if they can be attributed with some overt act in respect of the allegations regarding cruelty meted out to the respondent No.3. Collectively, together with the applicant Nos.1 to 3 they have been alleged to have taken part in demanding money, extending the taunts and subjecting respondent No.3 to cruelty. The allegations are *ex facie* omnibus and vague.

12. True it is that an FIR is not supposed to be an encyclopedia. However, the matter does not rest at that. The Investigation Officer has carried out the investigation and has submitted a charge-sheet. Statements of the parental side relatives of the respondent No.3 have also been annexed to the charge-sheet. However, these statements of her parents and brother are equally vague and omnibus apart from being same in verbatim. Nothing new over and above what has been alleged in the FIR has been stated by any of them.

13. Though it is alleged in the FIR and even appears in the statements of the witnesses that on 18.02.2021 all the relatives of the husband have abused and assaulted the respondent No.3, again considering the fact that apart from husband there are applicant Nos.2 to 7, the statement that all the brothers-in-law having abused and assaulted her, is indeed vague and omnibus.

14. It would be an exercise in futility to make applicant Nos.4 to 7 to face the trial on the basis of the quality of evidence/material collected by the Investigating Officer. In our considered view, it is yet another example as to how all the relations of the husband are implicated while lodging a complaint under Section 498-A of the IPC. This is an instance which is squarely covered by the observations of the Supreme Court in the matter of **Preeti Gupta and Anr. V. State of Jharkhand and anr; AIR 2010 SC 3363, Kumari Geeta Mehrotra and Anr. Vs. State of U.P and Anr.; AIR 2013 SC 181 and Kahkashan Kausar @ Sonam and Ors. Vs. State of Bihar and Ors.; (2022) 6 SCC 599** and is covered by the instances laid down in the matter of **State of Haryana and Ors. V/s Ch. Bhajan Lal and Ors.; (1992) SCC (Cri) 426.**

15. The Application is partly allowed. The crime bearing FIR No.298/2022 registered with Basamath (City) Police Station, Tq. Basmath Nagar Dist. Hingoli for the offences punishable under Section 498-A, 323, 504, 506 read with section 34 of the Indian Penal Code, the consequent charge-sheet and Regular Criminal Case No.114/2023

pending with learned Judicial Magistrate First Class, Basmatnagar District Hingoli to the extent of applicant Nos.4 to 7 are quashed and set aside.

16. The application to the extent of applicant Nos.1 to 3 is dismissed as withdrawn.

**[ SHAILESH P. BRAHME ]**  
**JUDGE**

**[ MANGESH S. PATIL ]**  
**JUDGE**

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