



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

CRIMINAL APPLICATION NO. 481 OF 2023

1. Sagar s/o Balaji Sonawane
(Application for applicant no.1 is dismissed)
2. Balaji s/o Madhavrao Sonawale
3. Sau. Laxmibai w/o BalajiSonawale
4. Gajanan s/o Balaji Sonawale
5. Shital w/o Gajanan Sonawale
6. Kalawatibai w/o Madhavrao Sonawale
7. Pratibha w/o Balaji Shetti

...Applicants

Versus

1. The State of Maharashtra
Through Police Station Palam,
Tq. Palam, Dist. Parbhani.
2. Komal s/o Sagar Sonawale

...Respondents

...

Advocate for Applicants : Mr. Swapnil A. Deshmukh
APP for the Respondent No.1/State : Mr. G.A. Kulkarni
Advocate for Respondent No.2 : Mr. S.M. Janakwade

...

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

DATE : 8 JANUARY 2024

FINAL ORDER [Shailesh P. Brahme, J.] :

. Heard both the sides finally.

2. The applicants are seeking quashment of FIR bearing C.R. No.0266/2022 registered with Police Station, Palam, Dist. Parbhani and Charge-Sheet

No.346/2023 in RCC No. 23/2023 pending before the learned Judicial Magistrate, First Class, Palam, Dist. Parbhani.

3. The informant is the wife of applicant no.1, who has filed complaint for the offences under Sections 498-A, 323, 504, 506 read with 34 of the Indian Penal Code against the applicant no.1 and his relatives. The applicant no.2 and 3 are the parents-in-law of the informant. The applicant no.4 is the brother in law, applicant no.5 and 7 are sisters-in-law and applicant no.6 is grand mother-in-law of the respondent no.2. Out of them, by order dated 09.03.2023, application qua the applicant no.1/husband has been dismissed.

4. After hearing for sometime, we have expressed our disinclination to grant any relief to applicant no.2/father-in-law and applicant no.3/mother-in-law. Application to their extent is sought to be withdrawn by the learned Counsel. Therefore matter proceeds to the extent of applicant nos.4 to 7.

5. It is alleged by the Informant that after one year of the marriage, she was being ill-treated and abused as she was unable to do household work. The applicant no.1 used to be instigated by other applicants. She was further harassed for bringing Rs.15,000,00/- for purchasing a car.

6. The learned Counsel for the applicants has taken us through FIR and the statements of the witnesses to show that no offence can be made out against the

applicant nos. 4 to 7. There is no active role attributed to them. The complaint is liable to be quashed to their extent. It is submitted that it is an abuse of process of law to proceed against the applicants.

7. The learned APP as well as learned Counsel for the respondent no.2 have vehemently opposed the submissions of the applicants. They would submit that all the applicants together have subjected the Informant to mental and physical cruelty. There has been a demand of dowry. It is further submitted that during the course of trial, the incriminating role against them is likely to surface. They would submit that this is not a fit case to abort the prosecution.

8. For the present, the application survives to the extent of applicant nos. 4 to 7. First Information Report, the statements of Mallika Arjun, Vachchalabai and Kapil do not show specific incriminating role against the applicants to prima facie make out offences under Sections 498-A, 323, 504, 506 read with 34 of the IPC. At the same time, we find that there is a prima facie case against husband, father-in-law and mother-in-law.

9. We are of the considered view that it would be an abuse of process of law to compel the applicant nos. 4 to 7 to face the prosecution. The applicant no.7 resides separately being a married daughter. The applicant no.6 is the grand mother of the applicant no.1 who is of 80 years of age. Applying the parameters laid down in the case of State of Haryana and Ors. Vs. Bhajan Lal and Ors. by the Hon'ble Apex

Court, AIR 1992 SC 604, we hold that a case is made out by the applicant nos. 4 to 7 for quashment.

10. The respondents made submissions by drawing our attention to Miscellaneous Application No.1118/2022 filed by the applicant no. 1 against the Informant and her parents, seeking direction under Section 156(3) of the Code of Criminal Procedure. It was rejected on 14.12.2023. The complaints made by the Informant to the Police Station on 14.07.2022 and 04.09.2022 have also been cited to demonstrate the harassment caused by the applicants. We are not impressed by the submissions.

11. Considering the FIR and the statements of the witnesses, we find that the allegations are omnibus against the applicant nos. 4 to 7. Hence the following order :

- (i) The Criminal Application No.481/2023 stands allowed to the extent of applicant nos. 4 to 7.
- (ii) FIR bearing C.R. No.0266/2022 registered with Police Station, Palam, Dist. Parbhani and Charge-Sheet No.346/2023 in RCC No. 23/2023 pending before the learned Judicial Magistrate, First Class, Palam are quashed and set aside to the extent of applicant nos. 4 to 7.

[SHAILESH P. BRAHME, J.]

[MANGESH S. PATIL, J.]

Najeeb.