



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

CRIMINAL APPLICATION NO. 954 OF 2023

1. Vicky S/o. Suresh Chavan
2. Laxhmibai W/o. Suresh Chavan
3. Suresh S/o. Tukraram Chavan
4. Kishor S/o. Suresh Chavan
5. Sagar S/o. Suresh Chavan
6. Rohini W/o. Kishor Chavan
7. Poonam W/o. Sagar ChavanApplicants

Versus

1. The State of Maharashtra
2. Megha W/o. Vicky ChavanRespondents

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Advocate for Applicant : Mr. Nileshsingh J. Patil
APP for Respondent No. 1 : Mr. K.N. Lokhande
Advocate for Respondent No. 2 : Mr. H.V. Tungar

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

DATE : 11 MARCH 2024

FINAL ORDER (PER : SHAILESH P. BRAHME, J.) :

1. Heard both the sides finally at the admission stage.

2. After we express our disinclination, learned counsel for the applicant withdraws application to the extent of applicant nos. 1 to 3. We are considering application to the extent of remaining applicants.

3. Applicants are seeking quashment of FIR No. 13 of 2022 registered with Police Station Bhada, Taluka Ausa, District Latur, and consequential proceedings in RCC No. 72 of 2022 pending before Judicial Magistrate First Class, Ausa, District Latur.

4. They are being prosecuted for the offences under Sections 498-A, 323, 504, 506 read with 34 of the Indian Penal Code. Respondent no. 2 is informant who has married with applicant no. 1 on 26.02.2021 . Applicant nos. 2 and 3 are her parents-in-law. Applicant nos. 4 and 5 are her brothers-in-law and applicant nos. 6 and 7 are her sisters-in-law (wives of applicant nos. 4 and 5 respectively).

5. Respondent no. 2 lodged report on 22.01.2022 stating that she was being ill-treated by applicants after about a month of March, 2021. Applicant no. 1 – husband is alleged to have refused to cohabit with her due to his extra marital affair. She was being tortured physically and mentally. The applicants are alleged to have demanded Rs. 10 Lakhs for purchasing plot at Pune. Her father is stated to have arranged and

paid Rs. 3,24,900/- but harassment continued. She was demanded remaining amount of dowry and driven out of house on 24.06.2021.

6. Learned counsel for the applicants submits that applicant nos. 4 to 7 have been falsely implicated because of the strained relationship of the informant with her husband. It is being submitted that applicant nos. 4 to 7 are residents of Pune and had no occasion to cause ill-treatment to the informant. Allegations against them are said to be omnibus. There is no incriminating material against them. Not even a *prima facie* case can be made out and the proceedings are liable to be quashed.

7. Learned APP Mr. Lokhande and learned counsel for respondent no. 2 oppose the submissions of the applicants. According to them, there is cogent material available on record. The applicants abetted the offence by instigating husband of the informant. Learned counsel for respondent no. 2 would submit that specific role has been attributed to the applicants. A full fledged trial would be necessary.

8. We have considered rival submissions of the parties. We have also gone through relevant papers of the investigation. Respondent no. 2 has filed affidavit-in-reply which is also taken into account. The papers of the investigation would disclose specific involvement of

husband and parents-in-law of the informant, albeit, application to their extent has been withdrawn.

9. Applicant nos. 4 to 7 are resident of Pune. Couple was married on 26.02.2021 and resided at Osmanabad. There is no material to show that they had any occasion to come to Osmanabad for causing ill-treatment or abetting the informant.

10. We have considered the statements recorded during the course of investigation including supplementary statements of the informant. We are of the considered view that allegations to the extent of applicant nos. 4 to 7 are omnibus. It reveals from record that informant left the matrimonial home on 24.06.2021. Applicant no. 1 made complaint in writing to District Mediation Center on 10.08.2021, Women Redressal Grievance Cell on 27.08.2021 and to the Superintendent of Police, Osmanabad on 27.08.2021. In all probabilities the applicant nos. 4 to 7 have been roped in without rhyme or reason. Relying on the principles laid down by the Supreme Court in the matter of *Geeta Mehrotra and others Versus State of Uttar Pradesh and others*, **(2012) 10 SCC 741** and *Kahkashan Kausar Versus State of Bihar*, **(2022) 6 SCC 599**, we have no hesitation to hold that it would be futile exercise to make the applicant nos. 4 to 7 to face the prosecution.

11. We are inclined to allow Criminal Application to the extent of applicant nos. 4 to 7. FIR No. 13 of 2022 registered with Police Station Bhada, Taluka Ausa, District Latur, and consequential proceedings in RCC No. 72 of 2022 pending before Judicial Magistrate First Class, Ausa, District Latur, to the extent of applicant nos. 4 to 7 are quashed and set aside.

[SHAILESH P. BRAHME, J.]

[MANGESH S. PATIL, J.]