



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

CRIMINAL APPLICATION NO. 1203 OF 2022

1. Ganesh Bhagwan Sandve,
Age : 41 Years, Occu. : Service,
R/o Nagoba Nagar, Ahmedpur,
Tq. Ahmedpur, Dist. Latur.
2. Sunil S/o Bhagwan Sandve,
Age : 44 Years, Occu. :
3. Vimalbai W/o Bhagwan Sandve,
Age : 66 Years, Occu. Household,
4. Bhagwan S/o Baduji Sandve,
Age : 70 Years, Occu. Agril.,

All R/o Mulgandhkuti, Gangakhed
Road, Varma Nagar, Parbhani,
Tq. & Dist. Parbhani.

.. Applicants

Versus

1. The State of Maharashtra,
Through Police Inspector,
Police Station Aundha Nagnath,
Dist. Hingoli.
2. Jyoti W/o Amol Sandve,
Age : 24 Years, Occu. : Household,
R/o Kondkar Pimpri, Tq. & Dist.
Hingoli, At Present Dhudhala,
Tq. Aundha Nagnath, Dist. Hingoli.

.. Respondents

Shri Majid Shaikh, Advocate h/f Shri Sachin S. Deshmukh,
Advocate for the Applicants.

Shri G. A. Kulkarni, A.P.P. for the Respondent No. 1.

Ms. Sayali S. Tekale, Advocate for the Respondent No. 2 –
Appointed.

**CORAM : MANGESH S. PATIL AND
SHAILESH P. BRAHME, JJ.
DATE : 15 MARCH 2024.**

FINAL ORDER :

. Learned advocate for the applicant submits that though the charge sheet has been filed against co-accused which is produced on record, no charge sheet has been filed as against the applicants.

2. Applicants are seeking quashment of crime registered at the instance of the respondent No. 2 bearing CR No. 22/2022 dated 30.01.2022 for the offence punishable U/Sec. 498-A, 324, 323, 504, 506 r/w Sec. 34 of the Indian Penal Code registered with Aundha Nagnath Police Station, Dist. Hingoli.

3. The applicants are the cousin brothers of the husband of the respondent No. 2 and his aunt and uncle.

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

5. The allegations as can be seen from the charge sheet, are to the effect that the respondent No. 2's marriage was solemnized on 07.05.2017. She was maintained properly for first three to four months. Thereafter she was subjected to physical and mental torture *inter alia* on the ground of demand for money. She was assaulted and insulted and was driven out of the

matrimonial house after an assault on 05 November 2017. FIR has been lodged on 30.01.2022.

6. Accepting the allegations at the face of record, no whisper has been made in the FIR about any role played by the applicants in subjecting the respondent No. 2 to cruelty. It is only applicant Nos. 3 and 4 have been referred to along with main accused having taken part in subjecting the respondent No. 2 to cruelty.

7. It is trite that there is usual tendency of a destitute married woman to rope as many relatives of the husband as possible. The court should be circumspect in appreciating such human conduct as has been noticed by the Supreme Court in several matters. Reliance can be placed on the principles laid down in the matter of Geeta Malhotra and another Vs. State of U. P. and another, (2012) 10 SCC 741 and Kahkashan Kausar @ Sonam and others Vs. State of Bihar, (2022) 6 SCC 599.

8. This seems to be an attempt to rope as many accused as possible. In spite of there being enormous delay of about five years in filing FIR, no attempt has been made either in the FIR or in the statements of the witnesses to explain the delay.

9. In our considered view, it would be sheer abuse of process of law to make the applicants face the prosecution with the quality of the evidence collected by the Investigating Officer. It is abuse of process of law as contemplated in the matter of State of

Haryana Vs. Bhajanlal, 1992 SCC (CRI) 426.

10. The criminal application is allowed. FIR bearing CR No. 22/2022 dated 30.01.2022 for the offence punishable U/Sec. 498-A, 324, 323, 504, 506 r/w Sec. 34 of the Indian Penal Code registered with Aundha Nagnath Police Station, Dist. Hingoli is quashed and set aside to the extent of present applicants.

11. Ms. Sayali Tekale, learned advocate is appointed by us. We quantify her fees at Rs. 2,000/- (Rs. Two thousands only).

[SHAILESH P. BRAHME, J.] [MANGESH S. PATIL, J.]

bsb/March24