



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 2454 OF 2022

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| 1. | Kacharu Bhonaba Shinde, | } | |
| | Age: 62 years, Occu : Agri, | } | |
| | R/o: Mandegavhan, Tq. Newasa, | } | |
| | Dist. Ahmednagar. | } | Disposed of as withdrawn |
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| 2. | Balasaheb S/o Kacharu Shinde, | } | |
| | Age: 29 years, Occu : Agri, | } | |
| | R/o: Mandegavhan, Tq. Newasa, | } | |
| | Dist. Ahmednagar. | } | |
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| 3. | Leelabai W/o Kacharu Shinde, | } | |
| | Age: 55 years, Occu : Agri, | } | |
| | R/o: Mandegavhan, Tq. Newasa, | } | |
| | Dist. Ahmednagar. | } | Disposed of as withdrawn |
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| 4. | Sanjay S/o Namdev Suruse, | } | |
| | Age: 46 years, Occu : Agri, | } | |
| | R/o: Mandegavhan, Tq. Newasa, | } | |
| | Dist. Ahmednagar. | } | |
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| 5. | Balasaheb S/o Namdev Suruse, | } | |
| | Age: 48 years, Occu : Agri, | } | |
| | R/o: Mandegavhan, Tq. Newasa, | } | |
| | Dist. Ahmednagar. | } | |
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| 6. | Nirmala W/o Vitthal Karande, | } | |
| | Age: 35 years, Occu : Household, | } | |
| | R/o: Dehare, | } | |
| | Tq. & Dist. Ahmednagar | } | ... Applicants |

Versus

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|----|---|------------------|
| 1. | The State of Maharashtra,
Through In-charge of Police Inspector,
Sonai Police Station, Tq. Newasa,
Dist. Ahmednagar. | |
| | | |
| 2. | Manjushri W/o Chandrakant Shinde,
Age: 31 years, Occu : Household,
R/o: Rajegaon, Tq. Newasa,
Dist.: Ahmednagar. | ... Respondents. |

...
Mr. Sandeep R. Sapkal, Advocate for Applicants.
Mr. N. R. Daima, APP for Respondent – State.
Mr. Rajendra P. Phatke, Advocate for Respondent No.2.
...

**CORAM : SMT. VIBHA KANKANWADI AND
ABHAY S. WAGHWASE, JJ.**

DATED : 7th AUGUST, 2024

ORDER (PER ABHAY S. WAGHWASE, J.) :

1. Powers of this court under section 482 of the Code of Criminal Procedure are sought to be exercised for quashing FIR vide Crime No. 089 of 2022 registered against present applicants at Sonai Police Station, Tq. Newasa, Dist. Ahmednagar and the consequential proceedings for the offence punishable under sections 498-A, 324, 323, 504, 506 read with section 34 of Indian Penal Code (IPC).

2. Apprising this court about the status of applicants and their relations with informant - respondent no.2 Manjushri, it is submitted that, informant's marriage with non applicant Chandrakant is of 2017. False report has been lodged in March 2022 levelling false allegations of demand of Rs.50,000/- and for meeting said demand, there are allegations of physical and mental cruelty. According to learned counsel for applicants, report is ambiguous and non specific on the point of particulars and

instances. That, roles are not distinctly defined. That, allegation of demand are levelled against husband alone, but entire family has tried to be roped in even when applicant nos.4, 5 and 6 had no concerned with the domestic affairs of husband and wife. That, there is apparent abuse of process of law. That, statements of relatives are all stereotyped. Therefore, prayers are raised for quashing the FIR and the consequential charge-sheet.

3. Learned counsel for respondent no.2 opposed the application on the ground that, after one year of marriage, husband after getting drunk used to subject informant to mental and physical cruelty. That, initially he demanded Rs.50,000/ and after meeting said demand, he demanded money for purchasing car. It is submitted that, his family members also joined him in maltreating informant. She was stripped off her ornaments. That, husband beat her in the night during the period of 07.03.2022 to 10.03.2022. There is injury certificate, and therefore, it is submitted that, there is ample evidence about commission of offence of 498-A, 323, 324, 504 and 506 r/w section 34 of IPC and so learned counsel prays to dismiss the application.

4. Learned APP adopted the above submissions while opposing the relief.

5. Previous order shows that, applicant no.1 father-in-law and applicant no.3 mother-in-law sought permission to withdraw the proceedings and this court by order dated 10.08.2022 disposed of proceedings as withdrawn against them. Therefore, present proceedings remains for consideration only as regard to applicant nos.2, 4, 5 and 6. Applicant no.2 seems to be brother-in-law, applicant no.4 and 5 maternal uncles, whereas, applicant no.6 is the sister-in-law.

6. FIR dated 19.03.2022 carries allegation that, after one year, informant was subjected to physical and mental cruelty by in-laws. Allegations are directed against husband for getting addicted to liquor, returning home drunk and subjecting her to physical and mental cruelty. Against him only allegations are raised about demand of Rs.50,000/-. Further allegations are against husband only for raising demand of Rs.7,00,000/- for purchasing car and for non fulfillment of demand, she has alleged abused and beating at his hands. Omnibus and general allegations are raised against present applicants that they too joined in insisting for above demand. Allegations of verbal abuse is directed against mother-in-law. Again general and omnibus allegations are raised against applicant nos.2, 4, 5 and 6.

7. Therefore, the entire tenor of the report is regarding treatment meted out by husband, father-in-law and mother-in-law. However, husband is not before this court and father-in-law and mother-in-law have already withdrawn the application and prayers.

8. Taking recourse to the principles laid down in *State of Haryana and others v. Ch. Bhajan Lal* ; AIR 1992 SC 604, and taking the material against present applicant nos.2, 4, 5 and 6 to be general, vague and omnibus in nature and when “cruelty” as contemplated under law and as enumerated in *Girdhar Shankar Tawade v. State of Maharashtra, (2002) 5 SCC 177* being not prima facie available, this court finds it a fit case to exercise the powers as it would apparently amount to abuse of process of law against them. Therefore, application to their extent deserves to be allowed and we proceed to pass the following order :-

O R D E R

(i) Criminal Application is partly allowed.

(ii) The F.I.R. vide Crime bearing No.089 of 2022, dated 19.03.2022 registered with Sonai Police Station, Tq. Newasa, Dist. Ahmednagar for the offences punishable under sections 498-A,

324, 323, 504 and 506 r/w section 34 of Indian Penal Code and case bearing R.C.C. No.252 of 2022 pending on the file of learned Judicial Magistrate First Class, Newasa are quashed and set aside to the extent of applicant Nos. 2, 4, 5 and 6.

(ABHAY S. WAGHWASE, J.)

(SMT. VIBHA KANKANWADI, J.)