



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

CRIMINAL APPLICATION NO. 2468 OF 2023

1. Sulakshana @ Kanchan W/o Suresh Shingare @ Shrungare
Age: 59 years, Occu.: Household,
R/o. Panchshil Nagar, Palwan Road, Beed,
Tal. & Dist.Beed. (Sister-in-Law)
2. Nitin S/o Suresh Shingare @ Shrungare
Age: 36 years, Occu.: Service,
R/o. As above. (Son of Sister-in-Law)
3. Sachin S/o Suresh Shingare @ Shrungare
Age: 31 years, Occ. : Education,
R/o. As above. (Son of Sister in Law)
4. Asha W/o Shirish @ Brahamdat Maske
Age: 44 years, Occ. : Household,
R/o. Salegaon,
Tal. Kaij, Dist.Beed. (Wife of brother-in-law)
5. Shirish @ Brahamdat S/o Rambhau Maske
Age: 57 years, Occu.: Service,
R/o. As above. (Brother-in-Law)
6. Rajkumar S/o Rambhau Maske
Age: 48 years, Occ. : Service,
R/o. Warun Residency, Paithan Road,
Behind Shivkrupa Provision, Nakshtrawadi,
Aurangabad, Tal. & Dist.Aurangabad. (Brother-in-Law)
7. Trishal D/o Rambhau Maske
Age : 52 years, Occu. : Household,
R/o Salegaon,
Tal. Kaij, Dist.Beed. (Sister-in-Law)

....Applicants

Versus

1. The State of Maharashtra
Through Police Inspector,
Shivaji Nagar Police Station, Beed.
Tal. & Dist.Beed.

2. Alka W/o Vijaykumar Maske
Age: 40 years, Occu. : Household,
R/o. Panchshil Nagar, Beed,
Tal. & Dist.Beed.

.....Respondents

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Advocate for Applicants : Mr. Amol Ratan Gaikwad

APP for Respondent no.1 : Mr.A.M.Phule

Advocate for Respondent no.2 : Ms.Sushama Tukaram Jadhav

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

DATE : 08 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 bearing no.0359 of 2023 registered at the instance of respondent no.2 at Shivajinagar Police Station, Beed, as well as consequential chargesheet arising out of it alleging commission of offence under Sections 498-A, 323, 504, 506 read with 34 of the IPC.

2. Learned Counsel for the applicants pointed out that marriage of respondent no.2 with non-applicant husband Vijaykumar is of

2000. Out of wedlock, informant and non-applicant Vijaykumar already have two grown up children. That false allegations are levelled with ulterior motive against not only husband but entire family comprising of nephews, brothers-in-law, sisters-in-law, who have no concern with the domestic affairs or relations between husband and wife, moreover, they are residents of distinct places. That deliberately allegations are raised regarding demand of Rs.30 Lakhs for purchase of a Car. That even young boys, who are nephews of husband are also named without levelling allegations or specifying their roles. That merely because of strained relations between husband and wife, entire family members are roped in. That even otherwise allegations are vague, general and non-specific. That making applicants face trial with such allegations would impart injustice on them. That no roles are attributed to present applicants. That apparently almost after two decades, for the first time, due to strained relations between husband and wife, entire family is tried to be involved in this case with ulterior motive. Consequently, it is submitted that when husband is not before this Court for any relief, present prayers raised by the applicants are sought to be granted.

3. While opposing the above application and reliefs, learned

Counsel for respondent no.2 as well as learned APP pointed out that there are allegations against husband and entire family members for raising demand of money for purchase of a vehicle and subjecting her to ill treatment. Subsequently, demands were also raised for money to purchase house, gold ornaments and on account of non-fulfillment, there are allegations of beating, abuses and threat to kill. That investigation revealed about acts and deeds of applicants and husband and therefore, it is their case that case needs to go for trial as all essential ingredients for attracting the offences are available.

4. Perused the FIR as well as papers. It is evident that marriage between informant respondent no.2 and non-applicant Vijaykumar is of April 2000 and admittedly, they have a son and a daughter, who are almost 17 years and 19 years of age at the time of FIR lodged in July 2023. It is pertinent to note that surprisingly statements of said children are not recorded by Police machinery for the best reasons known to them. Statement made that even at the time of FIR and even as on today, respondent no.2 informant and husband as well as children are continuing to reside under same roof is not disputed or challenged. Resultantly, even while residing together, FIR appears to have been lodged.

5. It is noticed and noted on going through the FIR, that initially there are allegation of demand of Rs.30 Lakhs for purchase of a four wheeler and allegations are made that such demand was raised by entire family and informant was subjected to physical and mental cruelty. Neither the form nor mode of ill-treatment or cruelty is specified and roles of applicants, who are almost seven in numbers, are not defined. Subsequently, there are also allegations for demand of money for house and golden locket, but even such allegations are vague and general in nature without specifying who amongst seven applicants raised the demand and for whom. Title clause shows that applicant no.1, sister in law, is almost 60 years of age and is resident of Beed. Applicant nos.2 and 3 also seem to be sons of sister-in-law. Applicant nos.4, 5 and 7, who are wife of brother-in-law, brother-in-law and sister-in-law respectively are shown to be residents of Salegaon, Tal.Kaij, Dist.Beed. Applicant no.6 is resident of Aurangabad. Details as to when they all came together and when above demands were raised is not finding place.

Therefore, apparently in the FIR, which is lodged almost after 23 years of marriage and while having grown up children, general and vague allegations are levelled even when informant is still residing with husband.

6. Applying the principles laid down in ***State of Haryana and others v. Ch. Bhajan Lal*** ; AIR 1992 SC 604, and more particularly when there are general, vague and omnibus allegations, 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 for exercising powers under Section 482 of the Code of Criminal Procedure to quash proceedings against present applicants. Accordingly, following order is passed :

ORDER

- I. The application stands allowed.
- II. The FIR No.0359 of 2023 dated 03-07-2023 registered with Shivajinagar Police Station, Beed, and the proceedings in RCC No.650 of 2023 pending before the learned Judicial Magistrate First Class, Beed, are hereby quashed and set aside.

(ABHAY S. WAGHWASE)
JUDGE

(SMT. VIBHA KANKANWADI)
JUDGE