



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO.2561 OF 2023

1. Madhukar Bolaji Adangale
2. Surekha Madhukar Adangale
3. Nikita Madhukar Adangale
4. Prashant Madhukar Adangale
5. Soni Madhukar Adangale @
(Sonali Mangesh Gavali)

... **APPLICANTS**

VERSUS

1. The State of Maharashtra
2. Mrs. Shubhangi Atul Adangale

... **RESPONDENTS**

...

Advocate for applicants : Mr. Neeraj Chudiwal h/f. Mr. S.S. Jadhav

A.P.P. for respondent/State : Ms. S.S. Joshi

Advocate for respondent No.2 : Mr. Ziya J. Pathan (appointed)

...

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

DATED : **11.03.2024**

ORDER (MANGESH S. PATIL, J.) :

Heard finally at the joint request of the parties.

2. By way of this application under Section 482 of the Code of Criminal Procedure the applicants are seeking quashment of crime bearing FIR No.147/2022 registered with Dhule City Police Station for the offences punishable under Section 498-A, 323, 504, 506 read with Section 34 of the Indian Penal Code and the consequent charge-sheet and the Regular Criminal Case No.504/2022 pending with the Chief Judicial

Magistrate, Dhule.

3. After hearing both the sides, when we express our disinclination to grant any relief on merits to the applicant Nos.1 and 2 who are the parents-in-law of the respondent No.2, their learned advocate, on instructions, seeks leave to withdraw the application to their extent.

4. The applicant Nos.3 and 5 are the sisters-in-law of the respondent No.2 and the applicant No.4 is her brother-in-law.

5. The sum and substance of the allegations as can be discerned from the FIR and the statements of the witnesses, who happen to be from the parental side of the respondent No.2, mention that her marriage was solemnized on 29.04.2020. She was maintained properly for a month. Thereafter she was subjected to cruelty. The husband and the parents-in-law and even these sisters-in-law and brother-in-law started taunting her for not being able to cook. They also called her useless. Subsequently, the parents-in-law and sisters-in-law started insisting her to bring a gold ring and chain else threatened that they would make her husband perform second marriage. Ultimately the husband abused, threatened her and by removing her stridhan she was driven out of the house on 12.10.2021.

6. Bearing in mind the experience as indicated in **Kumari Geeta Mehrotra and Anr. Vs. State of U.P. and Anr.; AIR 2013 SC 181, Kahkashan Kausar @ Sonam and Ors. Vs. State of Bihar and Ors.; (2022)**

6 SCC 599 and **Preeti Gupta and Anr. V. State of Jharkhand and anr.; AIR 2010 SC 3363** one will have to be circumspect while appreciating the allegations *qua* these sisters-in-law and brother-in-law.

7. Obviously, their names appear in the FIR and also in the statements of the witnesses recorded under Section 161 of the Code of Criminal Procedure. However, no exclusive role is attributed to any of them. They have been referred to, conjointly with the rest of the accused persons who are the husband and parents-in-law of the respondent No.2. In spite of the fact that there are two sisters-in-law the allegations is only about parents-in-law and a sister-in-law having demanded and insisted the gold ornaments for her husband.

8. For that matter, admittedly, the respondent No.2 had approached the Women's Grievance Cell before lodging the FIR. In her complaint dated 14.10.2021 again she has made same allegations attributing everything conjointly to the husband, parents-in-law, sisters-in-law and brother-in-law.

9. Considering the fact that the respondent No.2 could lead marital life barely for few months during which even according to her she was maintained properly for a month the remainder of the period would be of five months. If at all there were some episodes, wherein, the sisters-in-law and brother-in-law had actually taken part in subjecting her to cruelty, the respondent No.2 could have been able to make out and attribute specific allegations against them. Since the allegations are

vague and omnibus it would be abuse of the process of the law to make the applicant Nos.3 to 5 face the prosecution. The case is squarely covered by **State of Haryana and Ors. V/s Ch. Bhajan Lal and Ors.; (1992) SCC (Cri) 426.**

10. The application is partly allowed. The crime bearing FIR No.147/2022 registered with Dhule City Police Station for the offences punishable under Section 498-A, 323, 504, 506 read with Section 34 of the Indian Penal Code and the consequent charge-sheet and the Regular Criminal Case No.504/2022 pending with the Chief Judicial Magistrate, Dhule are quashed and set aside to the extent of applicant Nos.3 to 5 namely Nikita Madhukar Adangale, Prashant Madhukar Adangale and Soni Madhukar Adangale @ (Sonali Mangesh Gavali) respectively.

11. The application to the extent of the applicant Nos.1 and 2 namely Madhukar Bolaji Adangale and Surekha Madhukar Adangale is dismissed as withdrawn.

12. Learned advocate Mr. Ziya J. Pathan was appointed to represent the respondent No.2 and we quantify his fees at Rs.3000/- (Rs. Three Thousand only) to be paid through the High Court Legal Aid Services Authority.

[SHAILESH P. BRAHME]
JUDGE

[MANGESH S. PATIL]
JUDGE