



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 3926 OF 2022

- 1] Aniket S/o Baban Datir
 - 2] Baban S/o Natha Datir
 - 3] Kalpana W/o Baban Datir
 - 4] Kajal D/o Baban Datir
- .. Applicants

Versus

- 1] The State of Maharashtra
Through Investigating Officer,
Parner Police Station, Tq. Parner,
Dist. Ahmednagar
 - 2] Pooja Aniket Datir
- .. Respondents

...
Advocate for applicant : Mr. Shubham Jayabhar h/f. Mr. D.R. Jayabhar
APP for the respondent – State : Mr. K.N. Lokhande
Advocate for respondent no.2 : Mr. Santosh S. Jadhavar
As per Court's order dated 08-12-2022, application for
applicants no. 1 to 3 is withdrawn
...

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

DATE : 29 APRIL 2024

PC :

Heard both the sides finally.

2. This is an application under section 482 of the Code of Criminal Procedure seeking quashment of crime no. 921 of 2022 registered at Parner Police Station, District - Ahmednagar for the offences punishable under section 498-A, 323, 504, 506 of the Indian Penal Code and Regular Criminal Case no. 70 of 2023 pending before the learned Judicial Magistrate, First Class, Ahmednagar registered at the instance of respondent no. 2.

3. Applicant no.1 is the husband of respondent no. 2 and applicants no. 2 and 3 are his parents. After this Court had expressed its disinclination to grant any relief to applicants no. 1 to 3, the application to their extent was sought to be withdrawn and was disposed of by the order dated 08-12-2022.

4. Consequently, the only task remains is to ascertain if applicant no. 4 who is the married sister of applicant no.1 – husband, can be allowed to face further prosecution.

5. The learned advocate for the applicants would take us through the FIR and the statements of the witnesses forming part of the chargesheet. He would submit that the allegations as against applicant no. 4 are vague and omnibus. She has been referred to in respect of certain episodes jointly with the rest of the applicants. No specific and exclusive role is attributed to her. It would be abuse of the process of law to make her face the prosecution with such quality of material available. He would point out that the FIR and the statements of the witnesses are stereotype. Applicant no. 4 has been implicated to wreak vengeance. She is in the employment at Pune. Considering the period respondent no. 2 has been in the matrimonial home, it is unlikely that applicant no. 4 could have taken part in subjecting the former to any cruelty.

6. Per contra, the learned APP and the learned advocate for respondent no. 2 would submit that the FIR is not supposed to be an encyclopedia. Opportunity needs to be extended to the prosecution to substantiate the allegations. This can happen only during trial. Applicant no. 4 would get every opportunity to defend herself and the prosecution may not be thwarted.

7. We have carefully considered the rival submissions and perused the papers.

8. As can be appreciated from the chargesheet, the marriage between applicant no. 1 and respondent n. 2 was solemnized on 18-07-2022. She was maintained properly for first one month of the marriage and the FIR has been lodged on 09-11-2022, meaning thereby that respondent no. 2 cohabited with the applicants in the matrimonial home barely for four months and excluding the first month when there was no dispute, the period of alleged ill-treatment was barely three months.

9. We are pointing out this fact at the inception, as in our view, the period of alleged ill-treatment was so less that respondent no. 2 could not have been able to attribute any exclusive role to applicant no. 4 who is the sister-in-law apparently doing a job at Pune whereas the matrimonial home where respondent no.2 cohabited is at Kedgaon, Ahmednagar. However, the careful reading of the FIR and

even statements of the witnesses which included parents of respondent no. 2, would reveal that no exclusive and specific role has been attributed to applicant no. 4 in the process of alleged ill-treatment meted out to respondent no. 2. She has been conjointly referred with the rest of the applicants who happen to be her brother and parents.

10. On a careful reading of the FIR and the statements of the witnesses would reveal that primarily respondent no. 2 was aggrieved by the conduct of applicant no. 1 - husband in neglecting her and possibly because of his affair and was not even allowed her to consummate the marriage.

11. There is only one vague sentence, wherein it has been alleged that applicant no. 3 who is the step mother of applicant no.1 and applicant no. 4 having taken out her gold ornaments and *Streedhan* under the pretext that the incidents of theft increase during summer period. Except such bald statement, there is absolutely nothing to reveal any exclusive role to applicant no. 4 in subjecting respondent no. 2 to cruelty.

12. In our considered view, this is a case which is squarely covered by the circumstances and the observations of the Supreme Court in the matters of ***Preeti Gupta V. State of Jharkhand; (2010) 7 SCC 667, Geeta Mehrotra V. State of U.P.; (2012) 10 SCC 741*** and ***Kahkashan Kausar V. State of Bihar; (2022) 6 SCC 599.***

13. It would be a sheer abuse of process of law to make applicant no. 4 face the prosecution when the rest of the applicants would be undergoing that exercise.

14. The application is partly allowed.

15. Crime no. 921 of 2022 registered at Parner Police Station, District - Ahmednagar for the offences punishable under section 498-A, 323, 504, 506 of the Indian Penal Code and Regular Criminal Case no. 70 of 2023 pending before the learned Judicial Magistrate, First Class, Ahmednagar are quashed and set aside to the extent of applicant no.4.

[SHAILESH P. BRAHME]
JUDGE

[MANGESH S. PATIL]
JUDGE

arp/