

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL WRIT PETITION NO.2782 OF 2024

Davinder Pinder Pal
and others

.....Petitioners

Versus

The State of Maharashtra
and another

.....Respondents

Mr. Ganesh Jadhav, Advocate for the Petitioners.

Mr. Anand S. Shalgaokar, APP for the Respondent No.1-State.

Mr. Aayush Kedia, Advocate i/b. Yagni Sarvankar for the
Respondent No.2.

**CORAM : SARANG V. KOTWAL &
DR.NEELA GOKHALE, JJ.**

DATE : 25th OCTOBER, 2024

P.C. :

1. This is a Petition for quashing of the FIR registered vide C.R. No.115/2024 at Vimantal police station, Pune City on 13.3.2024 under Sections 498-A, 323, 504, 506 read with 34 of IPC.

2. Heard Mr. Ganesh Jadhav, learned counsel for the Petitioners, Mr. Anand Shalgaokar, learned APP for the Respondent No.1-State and Mr. Aayush Kedia, learned counsel for the Respondent No.2. With consent of the parties, the Petition is

decided at this stage.

3. At the outset, learned counsel for the Petitioners submitted that he is not pressing this Petition on behalf of Petitioner Nos.1, 2 & 3. He seeks liberty to file discharge application if the charge-sheet is filed against them. Permission is granted. Therefore, the Petition is dismissed as not pressed as far as the Petitioner Nos.1, 2 & 3 are concerned. They are at liberty to prefer an application for discharge if and when the charge-sheet is filed. In case, such an application is preferred it shall be decided on its own merits in accordance with law without being influenced by withdrawal of this Petition to their extent.

4. The FIR is filed by the Respondent No.2 herein. The other Petitioners are described with reference to her husband i.e. the Petitioner No.1 Davinder Pal. The Petitioner No.4 is his married sister. The Petitioner No.5 is the husband of the Petitioner No.4. The Petitioner No.6 is his another married sister. The Petitioner No.7 is the husband of the Petitioner No.6. The Petitioner No.8 is also another married sister. The Petitioner No.9 is the husband of the Petitioner No.8. The Petitioner Nos.10 and

11 are the paternal uncles of the Petitioner No.1. All of them are residents of Uttar Pradesh. The FIR is lodged by the first informant at Pune. She has stated in her FIR that she was earlier married to her first husband in the year 2002 and she had a son from her first marriage aged 18 years at the time of lodging of the FIR. She got divorced from her first husband in the year 2015. She was working in a private company at Pimpri, Pune in the year 2016. She got in contact with the Petitioner No.1. Their acquaintance developed into love relationship and they got married at Alandi with consent of both the families on 15.7.2018. From February, 2018 the informant, her husband and her son were residing at Dhanori, Pune. Their cohabitation was peaceful for about a year. It is alleged that her husband Davinder started suspecting her character and there used to be quarrels in respect of the household expenses. It is mentioned in the FIR that some times they used to visit the husband's native place at Uttar Pradesh. In that context, there is a general omnibus and vague statement that all the present Petitioners including Petitioner Nos.9 to 11 used to be present and in their presence she was abused, harassed and beaten. She was told that Davinder would

be married to some other girl. Even after that the informant performed the marriage rituals with Davinder on 20.11.2021 as per the rites of Davinder's religion. There are allegations that on 4.5.2022 on one occasion the husband and his parents had abused and beaten her on the ground that they were not treated properly in marriage of the informant's brother. On 16.11.2023, Davinder's relatives had called the informant and her family to Delhi to resolve the disputes between the couple. At that time, her family was threatened. Since September, 2023 Davinder went to reside at his native place. On 6.2.2024, the informant had gone to Rampur, Uttar Pradesh. At that time, Davinder, his parents and the Petitioner No.10 met her. She was asked to give divorce to Davinder. She was also threatened. Ultimately she lodged the FIR. This is the sum and substance of the allegations made by the first informant.

5. Learned counsel for the Petitioners submitted that there are absolutely no allegations against any of the Petitioner Nos.4 to 11. There are no specific instances and no specific allegations against any of them. The ingredients of the Sections alleged i.e. Sections 498-A, 323, 504, 506 read with 34 of IPC are

not attracted against any of these remaining Petitioners. They all were residents of Uttar Pradesh and they have nothing to do with the marital discord between Davinder and the informant. Therefore, the ongoing investigation and the possible prosecution would be an abuse of process of law as far as they are concerned.

6. Learned counsel for the Respondent No.2 submitted that there are allegations that all of them had ill-treated her and therefore the proceedings may not be quashed against them. Learned APP also supported the submissions of learned counsel for the Respondent No.2. He produced the investigation papers before us.

7. We have considered these submissions and we have perused the investigation papers. There are statements recorded by the investigating officer of the parents, three brothers, a cousin and the son of the first informant. Their statements are exactly similar and all of them support the allegations made in the FIR. There are no other allegations in any of these statements than which are mentioned in the FIR.

8. Thus, from the material collected during investigation

and the FIR it is quite clear that there are hardly any allegations against any of the Petitioner Nos.4 to 11. The allegations against them are vague. There is only one omnibus and general statement against all of them together. There is no specific role attributed to any of the Petitioner Nos.4 to 11. There are no specific instances mentioned specifying their roles. Even in respect of the incident dated 6.2.2024, there is no specific allegation separately against the Petitioner No.10.

9. Thus, we can see that as far as the remaining Petitioner Nos.4 to 11 are concerned, it is a clear case of over-implication to rope in as many family members of the husband as possible. All of them were residing at Uttar Pradesh. The husband and the wife i.e. the Petitioner No.1 and the informant were residing at Pune. There was no scope for interference of any of these Petitioners with the married life of the informant and the Petitioner No.1. The allegations against them are absolutely vague. None of the ingredients of any of the Sections applied in this case are satisfied as far as the present Petitioner Nos.4 to 11 are concerned. Therefore, continuation of the proceedings and the possible trial would be an abuse of process of law as far as the

Petitioner Nos.4 to 11 are concerned. Therefore, we are inclined to allow the Petition qua these Petitioners only.

10. Hence, the following order:

:: O R D E R ::

- i. The FIR registered vide C.R. No.115/2024 at Vimantal police station, Pune City on 13.3.2024 under Sections 498-A, 323, 504, 506 read with 34 of IPC and the consequent proceedings arising out of the same are quashed and set aside qua the Petitioner Nos.4 to 11 only.
- ii. The Petition is disposed of accordingly.

(DR.NEELA GOKHALE, J.)

(SARANG V. KOTWAL, J.)

Deshmane (PS)

Digitally signed
by
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PRAKASHRAO
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2024.10.25
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