



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (APL) NO.713/2021

1. Shaligram S/o Yadeoji Bhagwat,
aged 78 Yrs. Occ. Nil,
2. Arun S/o Shaligram Bhagwat,
aged 53 Yrs., Occ. Service.
3. Smt. Alka W/o Arun Bhagwat,
aged 48 Yrs., Occ. Housewife.

All 1 to 3 R/o Shrikrishna Nagar,
Khamgaon Road, Shegaon District
Buldhana.

... Applicants

- Versus -

1. The State of Maharashtra,
Police Station Officer, Police Station,
MIDC, Akola District Akola.
2. Smt. Mohini W/o Gokul Boke,
aged 38 Yrs., Occ. Household,
R/o Yogiraj Colony, Shegaon,
District Buldhana, presently
R/o Babhulgaon Jahagir
District Akola.

... Non-applicants

Ms. Aparna Telang, Advocate h/f Mr. A.P. Tathod, Advocate for
the Applicants.

Ms. Kalyani Marpakwar, A.P.P. for Non-applicant No.1.

CORAM: SMT. VIBHA KANKANWADI & MRS.VRUSHALI V. JOSHI, JJ.
DATED : 14.6.2024.

JUDGMENT (Per Mrs. Vrushali V. Joshi, J.)

Heard Ms. Aparna Telang, Advocate h/f Mr. A.P. Tathod, Advocate for the applicants and Ms. Kalyani Marpakwar, A.P.P. for non-applicant No.1. None for non-applicant No.2.

2. **Rule.**

3. The applicants have filed this application under Section 482 of the Code of Criminal Procedure for quashing the criminal proceedings R.C.C. No.721/2019 for the offence punishable under Sections 498-A, 323, 504 and 506 read with Section 34 of the Indian Penal Code pending on the file of 4th J.M.F.C., Akola in pursuance of the F.I.R. dated 30.5.2019.

4. The non-applicant No.2 has lodged the First Informant Report and the crime is registered. The applicants are

the maternal uncle, aunt and maternal grandfather of the husband of non-applicant No.2. After 15 years of marriage she has lodged this compliant against these applicants alleging that that they harassed her mentally and physically for demand of money and as she has delivered two daughters.

5. Learned Advocate for the applicants has stated that applicants are the maternal grandfather, maternal uncle and aunt of husband of non-applicant No.2. They were not staying with non-applicant No.2. The vague and general allegations are made against all the applicants. No specific allegation is made against any of them. Only to rope the entire family in the crime the names of these applicants are mentioned. The husband and the in-laws are not the applicants in this case.

6. As all the family members even the distant relatives are roped in this case, the applicants have relied on paragraph No.6 of judgment of the Hon'ble Apex Court in K. Subba Rao

and others V/s. State of Telangana represented by its Secretary,

Department of Home and others reported in (2018) 14 SCC 452

which reads as follows:

“6. Criminal proceedings are not normally interdicted by us at the interlocutory stage unless there is an abuse of the process of a court. This Court, at the same time, does not hesitate to interfere to secure the ends of justice. The courts should be careful in proceeding against the distant relatives in crimes pertaining to matrimonial disputes and dowry deaths. The relatives of the husband should not be roped in on the basis of omnibus allegations unless specific instances of their involvement in the crime are made out.”

7. On the aforesaid grounds, the learned Advocate for the applicants prayed to quash the criminal proceedings.

8. The learned A.P.P. opposed the application stating that the chargesheet is already filed. The statements of witnesses are there about ill-treatment. The specific allegations against the applicant No.1 are there about harassing for not delivering the male child. Hence it is prayed to reject the application.

9. Heard both sides. Perused the record.

10. In case of Kahkashan Kausar Alias Sonam and others V/s. State of Bihar and others reported in (2022) 6 SCC 599 the Hon'ble Supreme Court has specifically observed that tendency of involving the maximum number of members of husband's family are at rise. On the basis of vague and omnibus allegations they shall not be put to harassment.

11. On perusal of F.I.R. it reveals that the specific allegations are made against the husband of the non-applicant No.2 about beating and harassing for not giving birth to a male child. The applicants are not staying with the husband of non-applicant No.2. The specific allegations are not there against these applicants. Considering the allegations made against these applicants, no case of cruelty under Section 498-A of the Indian Penal Code or any offence for which the applicants are charged is

made out against these applicants. Hence the application is allowed.

12. We hereby quash and set aside the criminal proceedings R.C.C. No.721/2019 for the offence punishable under Sections 498-A, 323, 504 and 506 read with Section 34 of the Indian Penal Code pending on the file of 4th J.M.F.C., Akola.

Application is allowed in the aforesaid terms and disposed of.

(MRS.VRUSHALI V. JOSHI, J.)

(SMT. VIBHA KANKANWADI,J.)