



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

CRIMINAL APPLICATION (APL) NO.659/2023

1. Vijay S/o Parataprao Andhare,
aged about 55 Yrs., Occ. Service
Teacher.
2. Sou. Pranita W/o Vijay Andhare,
aged about 54 Yrs., Occ. Household.

Nos.1 and 2 R/o Gurukul Nagri,
Agashe Layout, Near Anand Apartment,
Malkapur Road, Akola, Tahsil and
Distt. Akola.

3. Sou. Sunita W/o Damodhar Sarag,
aged about 53 Yrs., Occ. Private shop.
4. Damodhar S/o Tryambak Sarag,
aged about 57 Yrs., Occ. Business.

Nos.3 and 4 R/o Opposite Zilla
Parishad School, Jawahar Nagar,
Akola, Tahsil and Distt. Akola.

5. Narendra S/o Sopanrao Bawaskar,
aged about 60 Yrs., Occ. Retired,
R/o Kothari Watika No.1, Gurukul
Nagar, Malkapur Road, Akola,
Tahsil and Distt. Akola.
6. Ms. Anita D/o Murlidhar Bhakre,
aged about 50 Yrs., Occ. Service,
R/o C/o Narendra Bawaskar,
Kothari Watika No.1, Gurukul

Nagari, Malkapur Road, Akola,
Tahsil and Distt. Akola.

... Applicants

- Versus -

1. The State of Maharashtra,
through its Police Station Officer,
Police Station Civil Lines, Akola,
Tahsil and District Akola.

2. Smt. Nisha W/o Sandip Bhakre,
aged about 42 Yrs., Occ. Service,
R/o Flat No.104, Sadguru Park,
First Floor, Jawahar Nagar, Akola,
Tahsil and Distt. Akola.

... Non-applicants

Mr. Vikas Kulsange, Advocate for the applicants.

Mr. A.R. Chutke, A.P.P. for non-applicant No.1.

Mr. S.A. Jaiswal, Advocate for non-applicant No.2.

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

DATED: 22.7.2024.

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

Heard Mr. Vikas Kulsange, learned Advocate for the
applicants, Mr. A.R. Chutke, learned A.P.P. for non-applicant
No.1 and Mr. S.A. Jaiswal, learned Advocate for non-applicant
No.2. **Rule.**

2. This is an application seeking to quash the F.I.R. 0090/2023 registered by Police Station Civil Lines, Akola for the offence punishable under Sections 498-A, 323, 504 and 506 read with Section 34 of Indian Penal Code.

3. In this case all the applicants are the in-laws of non-applicant No.2. The marriage of non-applicant No.2 with accused No.1 was performed on 26/12/2005. They have two daughters out of this wedlock. It was love marriage. After marriage she went to stay in joint family. The allegations are made that her sister-in-law Anita i.e. applicant No.6, along with her son, returned to her maternal house after her marriage. All other sisters-in-law and their husbands used to visit the house of non-applicant No.2. The allegations are made that though the gold ornaments and other household goods were given at the time of marriage all the family members started passing comments on her looks and started harassing her mentally. They instigated to her husband to beat her. She has made allegations against friend of her husband Sandeep Wagh and his mother about mental torture.

In the year 2020, Shivani with whom the husband of non-applicant No.2 was having affair gave threats and beat her. The divorce petition was also filed by her husband. Her husband started staying with said Shivani and used to come to her house intermittently and used to harass her. Her husband has taken all her "*Stridhan*" and, therefore, she has lodged the complaint.

4. Applicant Nos.2, 3 and 6 are sisters-in-law of non-applicant No.2 and applicant Nos.1 and 4 are husbands of non-applicant Nos.2 and 3. Though the name of applicant No.5 is mentioned in F.I.R. she has not stated how he is related with her husband and what role he has played to implicate him in said offence.

5. On perusal of the F.I.R. it appears that because of alleged love affair of husband of non-applicant No.2 her family life was disturbed and, therefore, she has made general allegations against all the family members and roped all the family members by making general and omnibus allegations. No specific incident or any specific allegations are made against any of the applicants

in the F.I.R. No *prima facie* case is made out against these applicants.

6. 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.

7. Considering the allegations made against these applicants no offence is made out under Section 498-A, 323, 504 and 506 of I.P.C. the application is allowed in terms of prayer clause (a) against these applicants only.

(MRS.VRUSHALI V. JOSHI, J.)

(SMT. VIBHA KANKANWADI,J.)