



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

CRIMINAL APPLICATION (APL) NO.1016/2022

1. Kantabai Devidas Bondre,
aged about 65, Occ. Household,
R/o House No.52, Ward No.4,
Umarsara, Ganesh Nagar, Juna Yavatmal.
2. Sarita Jagdish Nakhale,
aged about 47 Yrs., Occ. Household.
3. Nikita Jagdish Nakhale,
aged about 22 Yrs., Occ. Student.
4. Yashaswi Jagdish Nakhale,
aged 21 Yrs., Occ. Student.

Applicant Nos.2 to 4, R/o Ward No.1,
Gharpure Layout, Ganesh Nagar,
Bank Colony, Wardha.

5. Vaishali Ashwin Jagtap,
aged about 40 Yrs., Occ. Service,
R/o House No.52, Ward No.4m,
Juna Umarsara, Yavatmal. ... Applicants

- Versus -

1. The State of Maharashtra,
PSO PS Washim, Washim.
2. Lina Nitin Bondre,
aged about 40 Yrs., Occ. Service,
(Teacher), R/o C/o Kashinath
Brahmane Shukrawar Peth,
Distt. Washim. ... Non-applicants

Mr. M.N. Ali, Counsel for the Applicants.
Ms. T.H. Udeshi, A.P.P. for Non-applicant No.1 / State.
Mr. P.R. Agrawal, Counsel for Non-applicant No.2.

CORAM: VINAY JOSHI AND MRS. VRUSHALI V. JOSHI, JJ.
DATE OF RESERVING THE JUDGMENT: 15.4.2024.
DATE OF PRONOUNCING THE JUDGMENT: 18.4.2024.

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

Heard. **Rule.** Rule made returnable forthwith.

Heard finally by consent of learned counsel for the parties.

2. The applicants have filed this application under Section 482 of the Criminal Procedure Code to quash and set aside the chargesheet arising out of Crime No.0374/2022 registered by non-applicant No.1 for the offence punishable under Sections 498-A, 377, 312 read with Section 34 of Indian Penal Code.

3. The applicant No.1 is mother-in-law, applicant Nos.2 and 5 are sister-in-laws and non-applicant Nos.3 and 4 are niece of husband of non-applicant No.2 /wife. The husband of non-applicant No.2 is not applicant in this application.

4. The marriage of non-applicant No.2/wife was performed with Nitin Devidas Bondre on 27.7.2015. The non-applicant No.2 has made allegations against her husband and the applicants that they used to harass her for demand of money and all the applicants used to instigate her husband to beat her. On their instigation husband of non-applicant No.2 used to beat her under the influence of liquor and, therefore, she has lodged the complaint against all these applicants.

5. The non-applicant No.2 was served and has contested the matter through Counsel Mr. Agrawal. He has opposed the application stating that there are specific allegations against applicant Nos.1, 2 and 5. He has stated that he is not pressing the

allegations against applicant Nos.3 and 4. Applicant Nos.1, 2 and 5 harassed non-applicant No.2 to transfer the house in their name. Considering the specific allegations he has prayed to reject the application against applicant Nos.1, 2 and 5. The learned A.P.P. has also supported the contention of non-applicant No.2 to reject the application.

6. After going through the record it appears that non-applicant No.2 was staying at Washim, applicant Nos.1 to 4 are staying at Yavatmal and applicant No.5 is staying at Wardha. They were not staying jointly. The applicant Nos.2 and 5 are the sisters-in-law of non-applicant No.2. Their marriages were performed even before the marriage of non-applicant No.2.

7. The learned Counsel for non-applicant No.2 has stated that he is not pressing the allegations against applicants Nos.3 and 4. The allegations against these applicants are that they used to pressurise her to transfer house which was purchased in

the name of her husband by taking money from her and, therefore, they used to torture her. The allegations are made about compelling her for termination of pregnancy but it appears from the bail order that she was not willing to continue the pregnancy which occurred after non-applicant No.2 and her husband stayed together after the mediation in the said case.

8. The applicants were not staying with the non-applicant No.2 and specific allegations about beating and demand of money are specifically against the husband. There is dispute between the husband and wife and from the allegations it appears that it was because of the house purchased in the name of husband of non-applicant No.2, the entire family members are roped.

9. 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. No *prima facie* case exists against either of applicants. In the circumstances, continuation of prosecution amounts to abuse of the process of Court.

10. For the aforesaid reasons, the application is allowed.

We hereby quash and set aside chargesheet arising out of Crime No.0374/2022 registered by non-applicant No.1 for the offence punishable under Section 498-A, 377, 312 read with Section 34 of Indian Penal Code against present applicants only.

(MRS.VRUSHALI V. JOSHI, J.)

(VINAY JOSHI, J.)