



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CRIMINAL APPLICATION NO.1415 OF 2023

1. Mr. Ajay Arthor Craig, Age – 63 years,
Occupation – Retired.
2. Mrs. Vandana w/o Ajay Craig, Age – 58
years, Occupation – Housewife,
3. Mr. Manish s/o Ajay Craig, Age about –
35 years, Occupation – Service.
4. Mrs. Priyanka w/o Manish Craig, Age
about – 30 years, Occupation – Teacher

All 1 to 4 are Residents of – Plot No.17, Vidya
Nagar, Koradi Road, Nagpur.

... APPLICANTS

VERSUS

1. State of Maharashtra, through
its Police Station Officer, Police
Station, Sadar, Tahsil & District –
Nagpur.
2. Mrs. Lavina w/o Akash Kreig, Age –
32 years, Occupation – Teaching,
Resident of – Near Sachdev Building,
Beside Hanuman Temple, Chhaoni,
Nagpur.

... NON-APPLICANTS.

Shri B.H. Tekam, Advocate for the applicants.
Shri S.A. Ashirgade, Addl.PP for the State.
Smt. Shabana Khan, Advocate for non-applicant no.2.

CORAM : VINAY JOSHI AND MRS. VRUSHALI V. JOSHI, JJ.
DATED : 08.03.2024.

JUDGMENT : (Per : Vinay Joshi, J.)

Heard. **ADMIT.**

2. The matter is taken up for final disposal by consent of learned Counsel appearing for the parties.

3. By this application, the applicants who are relatives of the husband of the informant are seeking to quash the Charge-sheet arising out of Crime No.390 of 2022 registered with the Sadar Police Station, Nagpur City for the offence punishable under Section 498-A read with Section 34 of the Indian Penal Code.

4. It is the applicants' contention that the allegations made in First Information Report are of general and vague in nature, which do not disclose cognizable offence of cruelty against them. It is argued that main allegations are against the husband, who is not before the Court. According to the applicants, merely on the basis of vague and general allegations, the relatives of the husband shall not be dragged into the matrimonial dispute. Learned Counsel for the applicants would submit that two months preceding to the lodging of the FIR, the informant

lady has applied to Bharosa Cell, Nagpur City where she has alleged only against the husband, and thus, the allegations against applicant are *prima facie* untenable.

5. On the other hand, learned Counsel for the informant would submit that while entertaining the application under Section 482 of the Code of Criminal Procedure, it is not permissible to hold mini trial. The material collected during the investigation is to be presumed to be true. It is submitted that, the informant lady made specific allegations against all the applicants and thus, it is not a case to quash the prosecution at its initial stage.

6. With the assistance of both sides, we have gone through the First Information Report and material made available for our perusal. The informant got married with Aakash on 10.02.2021. Soon-after the marriage, the informant started to reside at her matrimonial house. After two months from the marriage she was physically as well as mentally harassed by her husband, in-laws, brother-in-law and sister-in-law to meet monetary demand. The informant remained pregnant which was not approvable to her brother-in-law and sister-in-law, and thus for said reason also they used to harass her. The informant stated that on 17.02.2022, she went to her maternal house for delivery and

after return her parents-in-law adviced the couple to reside separately. Though for few days the informant stayed at rented house with her husband, however within three days her husband left leaving her alone. Being no alternative for her, she returned to her maternal house.

7. As per the First Information Report after two months from marriage, there was alleged harassment. Though the informant stated that all four applicants joined her husband in the act of harassment however the allegations are general and omnibus. No specific instances are quoted alleging particular act of each applicant. The First Information Report is silent about the specific role played by the relatives of the husband. Moreover, the general statement is made without particulars that they have harassed her physically as well as mentally without particulars.

8. The learned Counsel for the informant relied on the decision of this Court in case of ***Rajesh s/o Himmat Pundkar and ors. vs. State of Maharashtra and anr. 2022(4) Mh.L.J.(Cri.)603*** to contend that at the stage of quashing the material has to be taken at its face value and Court cannot look into the worth of the material. In said decision on facts, it was held that specific instances of harassment have been disclosed against the relatives and under such circumstances, this

Court has declined to quash the FIR. Always it depends upon the facts of each case where the allegations are made out against the relatives of the husband.

9. In reported decision in case of ***Kahkashan Kausar and ors. vs. State of Bihar and ors. Manu/SC/0163/2022*** the Supreme Court has expressed the concern about tendency of implicating all relatives of husband in the matrimonial proceedings on the basis of vague allegations. Herein also no specific and distinct allegations have been made against either of the applicants. The allegations about illicit relations, addiction of liquor are specifically against the husband. The entire material merely discloses that general and omnibus allegations have been made against the relatives on matrimonial discord. The report made to the Bharosa Cell equally indicates that the allegations are against the husband only.

10. In the circumstance, continuation of prosecution against the relatives on the basis of vague and general allegations would be abuse of the process of Court. In view of the above, following order is passed:

- (a) The criminal application is allowed and disposed of.
- (b) We hereby quash and set aside the Charge-sheet arising out of Crime No.390 of 2022 registered with the Sadar Police Station,

Nagpur City for the offence punishable under Section 498-A read with Section 34 of the Indian Penal Code only against the present applicants.

(MRS. VRUSHALI V. JOSHI, J.)

(VINAY JOSHI, J.)

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