



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

CRIMINAL APPLICATION NO. 891 OF 2024

1. Mohan s/o. Atmaram Turtwad
Age : 41 years, Occ : Business
2. Kavita w/o. Mohan Turatwad
Age:32 years, Occu: Household
3. Suresh s/o. Atmaram Turtwad
Age : 43 years, Occu: Service
4. Kailash s/o. Ramdas Faskulwad
Age : 28 years, Occu. Service
R/o at post Mukhed Dist. Nanded
5. Salubai w/o. Atmaram Turatwad
Age. 70 years, Occ. Household

1,2,3 abd 5 are R/o. At post Ghugarala
Tq. Naigaon Dist. Nanded

...Applicants

-VERSUS-

1. The State of Maharashtra
Through police station Manatha
Tq. Hadgaon Dist. Aurangabad
2. Vaishnavi w/o Sainath Pille
Age : 20 years, Occu : Household,
R/o. Manatha Tq. Hadgaon
Dist. Nanded

..RESPONDENTS

Advocate for Applicants : Mr. Yogesh K. Bobade h/f. Mr. A. B. Shinde
A.P.P for Respondent/State : Mr. A. M. Phule
Mr. A. R. Kawade and Mr. Omprakash D. Totawad for Respondent No.2.

CORAM : ^{...} SMT. VIBHA KANKANWADI AND
ROHIT W. JOSHI, JJ.

DATED : 20.01.2025

JUDGMENT (PER ROHIT W. JOSHI, J.) :

1. The present application is filed under Section 482 of the Code of Criminal Procedure *inter alia* challenging FIR No.99 of 2023 registered with Manatha Police Station, District Nanded on 02.09.2023 for the offences punishable under Section 498-A, 504 read with Section 34 of Indian Penal Code, 1860. The FIR is lodged by respondent No.2. Respondent No.2 is related to the applicants as under:-

Applicant No.1 : Maternal uncle of husband

Applicant No.2 : Maternal aunt of husband

Applicant No.3 : Maternal uncle of husband

Applicant No.4 : Maternal cousin of husband

Applicant No.5 : Maternal grandmother of husband

2. Perusal of the FIR indicates that marriage of the applicant was solemnized with Sainath Pillewad on 27.05.2022. She claims that for a period of 10-15 days after marriage she was treated well, however, thereafter her husband/Sainath started doubting her character and

used to quarrel with her on the ground that she use to talk over her mobile phone with some person. She states that the husband had left the house on 05.06.2022 on the pretext that he had to join duty at Dadar, Mumbai. After a few days when she had called her husband he informed that he was looking for a room on rent at Dadar and once he gets the room he would call her. She alleges that after her husband had left the house, the in-laws used to humiliate her passing comments on her looks and height. They used to raise doubts about her character and used to harass her and also not offer food eat. She alleges that the in-laws asked her to get an amount of Rs.25,00,000/- from her parents in order to buy house at Mumbai.

3. It is stated that on 11.06.2022, her Mother-in-law, brother-in-law and her wife were going to Mumbai. She had requested to take her along. However, they asked her to go to her parental house with her uncle and did not take her to Mumbai. She alleges that in December 2022 and January 2023 two meetings were held between the family members and relatives of both sides when again demand of Rs.25,00,000/- was made for purchasing house at Mumbai. She also alleges that she and her parents were threatened that in the event the demand was not met they will not allow respondent No.2 to return her matrimonial home. After hearing the learned Counsel for the applicants for a while we had expressed disinclination to grant any relief to

applicant Nos.1,3 and 4. The learned Counsel appearing for the applicants made oral motion seeking leave to withdraw application for applicant Nos.1,3 and 4.

4. Applicant No.2 is maternal aunt of Sainath / husband of respondent No.2 and applicant No.5 is maternal grandmother of Sainath/husband of respondent No.2. Perusal of the FIR indicates that there are two allegations against applicant Nos.2 to 5. Initially, it is alleged that applicant nos.2 and 5 along with all other six accused persons used to raise doubt about character of respondent No2. They did not offer food to her and would often ridicule her pointing towards her height and looks. Apart from this, there is another allegation which is also a common allegation with respect to all the accused persons stating that a demand for Rs.25,00,000/- was made for purchasing house and on that count mental and physical harassment was meted out to respondent No.2.

5. Apart from these two allegations there are no other allegations against them. Both the allegations are omnibus. The same role is attributed to other six persons. With respect to other accused persons, some or the other individual role is sought to be attributed which is not case with respect to the present applicants. Their names appear to have been implicated only because they are related to the estranged

husband. The allegations are not sufficient to sustain criminal prosecution against them. Since the allegations taken on their face value are grossly inadequate to make out essential ingredients of Section 498-A of IPC, continuation of criminal prosecution against applicant Nos.2 and 5 will not serve any purpose and will rather be abuse of legal process.

6. In view of the aforesaid we are inclined to quash the FIR and Criminal Prosecution against applicant Nos.2 and 5. Hence we pass the following order:-

ORDER

- (i) The application is disposed of as withdrawn with respect to applicant No.1-Mohan s/o. Atmaram Turtwad, applicant No.3-Suresh s/o. Atmaram Turtwad and applicant No.4-Kailash s/o. Ramdas Faskulwad
- (ii) The application is allowed with respect to applicant No.2-Kavita w/o. Mohan Turatwad and applicant No.5-Salubai w/o Atmaram Turatwad. Accordingly FIR No.99 of 2023 registered with Manatha Police Station, District Nanded on 02.09.2023 for the offences punishable under Section

498-A, 504 read with Section 34 of Indian Penal Code, 1860 is quashed against them. Likewise, charge sheet, if filed, and proceedings in Criminal Case, if registered, pursuant to the said FIR are also quashed against applicant Nos.2 and 5.

[ROHIT W. JOSHI]
JUDGE

[SMT. VIBHA KANKANWADI]
JUDGE

A.G.Narwade