



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

CRIMINAL APPLICATION NO. 3250 OF 2023

1. Bhalchandra Bapurao Jillawar
Age : 80 years, Occ : Nil,
2. Shantabai Bhalchandra Jillawar
Age : 74 years, Occ : Household,

Both R/o Tilak Nagar, Pusad,
Tq. Pusad, Dist. Yavatmal
3. Aparna Sujit Mungilwar
Age : 48 years, Occ : Household,
4. Apoorv S/o Sujit Mungilwar
Age : 23 years, Occ : Private Service,

Both R/o tilak Nagar, Pusad, Tq. Pusad,
Dist. Yavatmal
5. Kirti Rajendra Chintwar
Age : 45 years, Occ : Household,
6. Rajendra Bandopant Chintawar
Age : 48 years, Occ : Business,

Both R/o Plot No.167, Kiwansara,
Ulka Nagari, Garkheda Road,
Aurangabad, Dist. Aurangabad

..APPLICANTS

-VERSUS-

1. The State of Maharashtra
Through Police Station Purna,
Tq. Purna, Dist. Parbhani
2. Sapna W/o Anirudha Jillawar
Age : 34 years, Occ : Household,
R/o Near Datta Mandir, Purna,
Tq. Purna, Dist. Parbhani

..RESPONDENTS

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Advocate for the applicants : Mr. Shaikh Majit S.
APP for Respondent- State : Mr. S.A. Gaikwad
Advocate for respondent No.2 : Mr. Prakash S. Paranjape

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**CORAM : SMT. VIBHA KANKANWADI AND
ROHIT W. JOSHI, JJ.**

DATED : 10th JANUARY, 2025.

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

. The applicants in the present matter are aggrieved by registration of offence against them with Police Station, Purna, Dist. Parbhani, vide F.I.R. No.0175/2023 on 07.08.2023, for the offences punishable under Sections 498-A, 323, 504, 506 read with Section 34 of the Indian Penal Code (I.P.C.) and Regular Criminal Case No.206/2023 pending on the file of learned Judicial Magistrate, First Class, Purna, Dist. Parbhani.

2. Respondent No.2 is the informant, who is related to the applicants as under :-

- (i) Applicant No.1 – father-in-law
- (ii) Applicant No.2 – mother-in-law
- (iii) Applicant No.3 – married sister-in-law
- (iv) Applicant No.4 – son of applicant No.3
- (v) Applicant No.5 – married sister-in-law
- (vi) Applicant No.6 – husband of applicant No.5

3. The marriage between respondent No.2 and Anirudha Jillawar was solemnized on 2nd August, 2018. As per version of respondent No.2 in the F.I.R., the husband of respondent No.2 treated her well only for a short period of 10-15 days after her marriage and thereafter used to filthily abuse her unnecessarily. Respondent No.2 alleges that the husband is addicted to liquor and used to beat her mercilessly under the influence of liquor. Apart from this, she also alleges that he used to avoid having physical relationship with her as that of husband and wife. According to her, the husband used to ask her to get a sum of Rs.10,00,000/- from her parents for his business of sale of paints and tyres and used to harass her in order to force her and her parents to meet the said demand. She has alleged that she was required to hospitalized at Vishwa Hospital, Nanded on 26.11.2022 because of acute pain caused due to kidney stone. The husband hospitalized her. However, he never came back to the hospital after she was admitted. Respondent No.2 claims that she was required to call her father to get discharge and from the date of discharge, she is residing at her parental house since the husband did not come to take her back.

4. As regards Applicant Nos.1 and 2, she alleges that they illtreat her and abuse her filthily. She has alleged that applicant No.3, who is her married sister-in-law resides at her parental home i.e.

matrimonial house of respondent No.2 and she and her son – applicant No.4 used to constantly illtreat her, abuse her, insult her and further used to instigate her husband against her. Apart from this, she alleges that they used to threaten her saying that in the event she becomes pregnant, they will forcibly get the pregnancy terminated and ensure that she does not deliver a child.

5. As regards applicant Nos.5 and 6 there are no specific allegations against them. They are admittedly not residing with applicant Nos.1 to 4 and husband of respondent No.2. Apart from the allegations as above, general, omnibus allegations have been levelled stating that in-laws used to illtreat her, abuse her, at a time did not offer food to her etc.

6. The husband against whom principal grievance is raised by respondent No.2 is not a party to the present proceeding. We are concerned with allegations against applicant Nos.1 to 6, who are parents-in-law, married sisters-in-law, son of sister-in-law and husband of another sister-in-law. On perusal of the F.I.R., we find that there are no allegations against applicant Nos.5 and 6. They have been unnecessarily arrayed accused in the matter. As regards applicant Nos.1 and 2 also there are no specific allegations. It is merely stated that the father-in-law and mother-in-law used to harass respondent No.2

continuously. Material particulars regarding date, time or tentative period of the alleged illtreatment and harassment are also not mentioned. General words like harassment, insult etc., have been used which in our considered opinion, are not sufficient for continuation of prosecution against applicant Nos.1 and 2 as well. As regards applicant Nos.3 and 4, who is married sister-in-law and her son, who reside along with applicant Nos.1 and 2 and husband of respondent No.2, there are allegations that they used to harass, illtreat and insult respondent No.2. There are also allegations regarding filthy abuses being hurled at a respondent No.2. It is also alleged that applicant Nos.3 and 4 have stated that if respondent No.2 become pregnant they will terminate her pregnancy so that she does not have a happy family life. We find that these allegations are also made without providing details with respect to date, time or tentative period. The alleged abusive words have not been mentioned. As regards the case of applicant Nos.3 and 4 also appears to be a case of over implication.

7. Facts of the case reveal that since there was marital discord between respondent No.2 and her husband, respondent No.2 has implicated all the family members of the husband in the offence. As stated above, there are no allegations with respect to demand of dowry and consequent harassment against the present applicants. The

allegations in that regard are only against the husband. In order to implicate other family members, the above allegations appear to have been made, which as already stated above, are way too general and vague in nature. We are, therefore, of the considered opinion that the F.I.R. and consequent criminal prosecution against the applicants need to be quashed in the interest of justice. Hence, we pass the following order :-

ORDER

- (i) The application is allowed.
- (ii) F.I.R. No. 0175/2023 dated 07.08.2023 registered with Police Station, Purna, Dist. Parbhani, for the offences punishable under Sections 498-A, 323, 504, 506 read with Section 34 of the Indian Penal Code and Regular Criminal Case No.206/2023 pending on the file of learned Judicial Magistrate, First Class, Purna, Dist. Parbhani are hereby quashed against applicants namely (i) Bhalchandra Bapurao Jillawar, (ii) Shantabai Bhalchandra Jillawar, (iii) Aparna Sujit Mungilwar, (iv) Apoorv S/o Sujit Mungilwar, (v) Kirti Rajendra Chintwar and (vi) Rajendra Bandopant Chintawar.

[ROHIT W. JOSHI]
JUDGE

[SMT. VIBHA KANKANWADI]
JUDGE

sga/