



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

CRIMINAL APPLICATION NO. 3580 OF 2023

1. Chetan S/o Ashok Walunj
Age : 30 years, Occ : Pri. Service,
R/o D-402, Shree Krupa Society,
Plot No.78, Sector 35, Kamothe,
New Mumbai – 410 209
2. Ashok S/o Haribhau Walunj
Age : 67 years, Occ : Agri.,
R/o Tambe Pune,
Tq. & Dist. Pune.
3. Lata W/o Ashok Walunj,
Age : 57 years, Occ : Household,
R/o Tambe Pune,
Tq. & Dist. Pune.
4. Nilesh S/o Ashok Walunj
Age : 27 years, Occ : Education,
R/o Flat No.D-402, Shreekrupa,
Plot No.78, Sector-35, Kamothe,
Panvel, Raigarh, Maharashtra – 410 206
5. Chandani W/o Amol Ghadge
Age : 33 years, Occ : Household,
R/o Bacche Wadi, Hedruj,
Pait, Pune, Maharashtra – 410 505
6. Amol S/o Sitaram Ghadge
Age : 29 years, Occ : Private Service,
R/o Bacche Wadi, Hedruj,
Pait, Pune, Maharashtra – 410 505.

..APPLICANTS

-VERSUS-

1. The State of Maharashtra
Through Police Station, Supa,
Tq. Supa, Dist. Ahmednagar.

2. Suvidha W/o Chetan Walunj
Age : 23 years, Occ : Household,
R/o C/o Ujwala Jalindar Gut,
Wadegavhan, Tq. Parner,
Dist. Ahmednagar.

..RESPONDENTS

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Advocate for the applicants : Mr.G.K. Muneshwar
APP for Respondent- State : Mr. A.R. Kale
Advocate for respondent No.2 : Mr.V.P. Latange

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

DATED : 2nd JANUARY, 2025

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

. The applicants in the present matter are arrayed as accused Nos.1 to 6 in F.I.R. registered with Police Station, Supa, Dist.Ahmednagar on 20.06.2023, for the offences punishable under Sections 498-A, 323, 504, 506 read with Section 34 of the Indian Penal Code (I.P.C.), vide F.I.R. No.0282/2023. Respondent No.2 is the informant. Her relations with the applicants are as under :-

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

2. We are considering the present application only for applicant Nos.2 to 6, in as much as, the application was withdrawn for applicant No.1 – husband on 23.10.2023 itself.

3. Respondent No.2 states that her marriage with applicant No.1 was solemnized on 03.05.2022. She has stated that initially for a period of 15 days after marriage she resided with applicant Nos.1 to 4 at village Tambe, Dist. Pune i.e. the native village of her in-laws and thereafter she along with her husband had shifted to Kamothe, Dist.Raigad. She claims that after they removed to Kamothe, Dist.Raigad, she was treated well for around 20 to 25 days and thereafter, husband and in-laws suggested that since she has acquired qualification of B. Pharm, she should get an amount of Rs.15,00,000/- from her father for starting business of Medicine Shop at Mumbai. She alleges that she was repeatedly abused and also beaten up in order to force her and her parents to accede to the said demand. She has further alleged that on 06.12.2022 at about 11.00 a.m., applicant Nos.1 to 4 started beating and abusing her again asking her to bring amount of Rs.15,00,000/- from her parents and further that they expelled her from her matrimonial home by giving clear understanding that unless she brings the said amount, she will not be allowed to come back to matrimonial home. The contents of the F.I.R. indicate that initially

respondent No.2 has levelled allegations against her husband and made omnibus allegations using word “in-laws”. However, with respect to the alleged incident dated 06.12.2022, she has specifically named applicant Nos.1 to 4. As regards applicant Nos.5 and 6, who are the married sister-in-law and her husband respectively, she states that whenever they used to come at Kamothe, Dist. Raigad, they used to ask her to bring amount of Rs.15,00,000/- from her father and used to utter words, which would displease and hurt her. These are the only allegations against applicant Nos.5 and 6. It is undisputed that applicant Nos.5 and 6 never resided with applicant Nos.1 to 4.

4. The allegations against applicant Nos.1 to 4 levelled initially are not definite and also lack details and particulars. However, the allegation with respect to alleged incident dated 06.12.2022 is a specific allegation referring to applicant Nos.1 to 4 by their names. In view of the said allegations, we do not deem it appropriate to quash the prosecution as against applicant Nos.2 to 4.

5. As regards applicant Nos.5 and 6, it is undisputed that they are residing separate from the other applicants. The allegation against them is that whenever they used to visit the matrimonial house of respondent No.2, they would ask her to bring amount of

Rs.15,00,000/- from her father and used to utter unpleasant words. According to respondent No.2, she has stayed in her matrimonial home for a short period from 03.05.2022 i.e. date of marriage till 03.12.2022. During this period of seven months, according to her everything was going well for a period of around one and half month. The contents of F.I.R., so also statements of respondent No.2 and her family members and relatives, viz :- maternal uncle and cousin that are recorded during the course of investigation are absolutely silent as regards number of occasions when applicant Nos.5 and 6 had been to matrimonial home of respondent no.2, the words they uttered while making demand so also the date/s of visit and tentative period of stay. The allegations against applicant Nos.5 and 6 are absolutely vague and wanting in all material particulars. The allegations against applicant Nos.5 and 6 clearly indicate over implication on the part of respondent No.2. In the light of the judgments of the Hon'ble Supreme Court in the matters of *Preeti Gupta and others Vs. State of Jharkhand and others* reported in *2010(7) SCC 667*, *Geeta Mehrotra Vs. State of Uttar Pradesh and others* reported in *2012(10) SCC 741* and *Kahkashan Kausar and others Vs. State of Bihar and others* reported in *2022(6) SCC 599*, it is the duty of High Courts dealing with quashing petitions with respect to offence under Section 498-A of the Indian Penal Code to be careful while dealing with allegations against relatives, who stay at a distant

place having regard to realities of strained matrimonial relationship, which create a tendency to implicate all the family members or near relations of the husband. The Hon'ble Supreme Court had guided the High Courts to read between the lines while dealing with allegations against relatives residing at distant places and exercise great care and circumspection to guard against over implication. These judgments of the Hon'ble Supreme Court have been reiterated recently in the matter of *Payal Sharma Vs. State of Punjab and others* reported in **2024 S.C.C. Online (SC) 3473**.

6. Having regard to the contents of F.I.R. and statements of witnesses recorded during the course of investigation, we find that there is absolutely no material against applicant Nos.5 and 6 to permit continuation of prosecution against them. Continuation of prosecution against applicant Nos.5 and 6 will, therefore, amount to abuse of the legal process. We, therefore, hereby quash F.I.R. and criminal case registered pursuant to the said F.I.R. against applicant Nos.5 and 6. Hence the order :-

ORDER

(i) The application is disposed of as withdrawn with respect to applicant No.1 - Chetan S/o Ashok Walunj.

(ii) The application is rejected with respect to applicant No.2- Ashok S/o Haribhau Walunj, applicant No.3 - Lata W/o Ashok Walunj and applicant No.4 - Nilesh S/o Ashok Walunj.

(iii) The application is allowed with respect to applicant No.5 - Chandani W/o Amol Ghadge and applicant No.6 - Amol S/o Sitaram Ghadge. Accordingly, F.I.R. No.0282/2023 registered with Police Station, Supa, Dist.Ahmednagar on 20.06.2023, 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.348/2023 pending on the file of the learned Judicial Magistrate, First Class, Parner, Dist.Ahmednagar, are hereby quashed as against applicant Nos.5 and 6.

[ROHIT W. JOSHI]
JUDGE

[SMT. VIBHA KANKANWADI]
JUDGE

sga/