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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 1221 OF 2017

WITH

INTERIM APPLICATION NO. 2023 OF 2025

Mona Sandeep Mishra	]	
Aged, 30 years, Occupation – Housewife	]	
Add/at, A/502, Gardenia Building,	]	
Gundecha Complex, Thakur Village,	]	
Kandivali (East), Mumbai – 400101	]	...Applicant

V/s.

1. The State of Maharashtra	]	
(Through Sr. Inspector of Police,	]	
Borivali Police Station)	]	
2. Shweta Shailesh Mishra	]	
Nee, Shweta Mahendra Mishra	]	
Aged, 31 yrs, Occ : Doctor	]	
Res/at, 2 nd Floor, Hema Building,	]	
Chandarvarkar Road, Borivali (West)	]	
Mumbai:400066	]	...Respondents

Dr. Samarth S. Karmarkar a/w. Ms.Reshma R. Apte, Ms.Priti Rita, i/b.
Karmarkar & Associates for Applicant.
Smt. Savita M. Yadav, A.P.P. for Respondent No. 1 – State.
Mr. Rupesh R. Lanjekar for Respondent No.2.

CORAM : A. S. GADKARI AND
RAJESH S. PATIL, JJ.
DATE : 26th JUNE, 2025

JUDGMENT (Per : A.S. Gadkari, J.) :-

1) Applicant - Accused No.5 in C.C. No. 506/PW/2018, pending on the file of learned Judicial Magistrate First Class(26th Court), Borivali, Mumbai, arising out of CR No. 147 of 2017, dated 10th April, 2017, registered with Borivali Police Station, Mumbai, under Sections 498A, 504, 323, 406 and 509 r/w. 34 of the Indian Penal Code, has filed this Application under Section 482 of Code of Criminal Procedure for quashing of the said crime.

2) Heard Dr. Karmarkar, learned Advocate for the Applicant, Smt. Yadav, learned A.P.P. for the Respondent No. 1 - State and Mr. Lanjekar, learned Advocate for Respondent No.2. Perused entire record.

3) Shorn of unnecessary details, the brief facts giving rise to the filing of present Application can be summarized as follows :-

3.1) The Respondent No.2 has filed the aforementioned F.I.R. on 10th April, 2017. The Applicant is niece of the husband of Respondent No.2. Bare perusal of the F.I.R. reveals that, in the month of July 2012, the Applicant alongwith her parents arrived from America and had been to the house of the Respondent No.2 at about 5.00 p.m. At that relevant time, the Respondent No.2 was not in house and came later on. She rang the bell of the door. However, the in-laws of the Respondent No.2 i.e. parents of Applicant and Applicant, who were present inside the house, deliberately did not open the door for two hours. After two hours, when the door was

opened and Respondent No.2 entered into house, her in-laws, i.e. parents of the Applicant and the Applicant abused her in filthy language. This is the only allegation made in the entire body of the F.I.R. against the Applicant. It be noted here that, in the concluding part of the F.I.R., a bald statement is made that, the Applicant and other co-accused pressurized Respondent No.2 to transfer the flat situated at Kandivali in the name of husband of Respondent No.2 i.e. Mr.Shailesh Mishra and also demanded Rs.3 crores for establishing a hospital. The allegations made in the concluding part of the F.I.R. do not find place in the body/earlier part of the F.I.R. As noted earlier, the allegation against the Applicant is of not opening the door of the said house for two hours alongwith other accused persons and abusing Respondent No.2 in the month of July 2012. As noted earlier, the present crime is lodged belatedly on 10th April, 2017. Undoubtedly, the allegations against the Applicant are vague and generic in nature.

4) The Hon'ble Supreme Court in case of *Mohammed Qamruddin & Ors. Vs. State of Maharashtra & Anr. in Criminal Appeal No. 2309 of 2024*, dated 29th April, 2024, in paragraph 4 has held as under :-

“ 4. *It is already well settled by this Court in the case of 'Geeta Mehrotra & Anr. vs. State of U.P and Anr.' reported in (2012) 10 SCC 741 and also in the case of 'Kahkashan Kausar @ Sonam & Ors. vs. State of Bihar & Ors.' in Criminal Appeal No.195 of 2022 decided on 08.02.2022, that such vague, general and omnibus allegations against the family*

members/relatives implicating them in matrimonial disputes are an abuse of process of law. ”

5) After applying the aforestated ratio laid down by the Hon’ble Supreme Court to the present case, we are of the considered view that, the continuation of present proceedings against the Applicant will be sheer abuse of process of law and needs to be quashed.

5.1) Application is accordingly allowed in terms of prayer clause (a).

6) In view of disposal of Criminal Application No. 1221 of 2017, Interim Application No. 2023 of 2025 does not survive and is accordingly disposed off.

(RAJESH S. PATIL, J.)

(A.S. GADKARI, J.)