
Anand and Others Vs State of Maharashtra and Others

Criminal Application No. 3272 of 2013

Court: Bombay High Court (Aurangabad Bench)

Date of Decision: Aug. 5, 2014

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) - Section 482 " Penal Code, 1860 (IPC) - Section 323, 34, 406, 498A, 504

Citation: (2015) ALLMR(Cri) 1510 : (2015) 4 BomCR(Cri) 697

Hon'ble Judges: S.S. Shinde, J; P.R. Bora, J.

Bench: Division Bench

Advocate: Jaware Vishnu M., Advocate, for the Appellant; G.K. Thigale Naik, APP, for the Respondent

Final Decision: Allowed

Judgement

S.S. Shinde, J. At the outset, the learned Counsel for the applicants, on instructions, seeks liberty to withdraw this criminal application on behalf

of applicants No. 1 and 3. Liberty as prayed for is granted. This application stands dismissed as withdrawn as far as applicants No. 1 and 3 are

concerned. The learned Counsel for the applicants informs that the applicant No. 2 died on 21st November, 2013. Hence, the application stood

abated as against applicant No. 2. This application is, therefore, confined to applicants No. 4 to 9. Rule, returnable forthwith by consent of the

parties and taken up for final hearing.

2. The application has been filed under Section 482 of the Code of Criminal Procedure, praying therein to quash and set aside the Crime No.

345/2012 dated 30.11.2012 registered at Police Station, Shirpur, Tq. Shirpur, Dist. Dhule for offences punishable under Sections 498A, 406,

323, 504, 506 r/w. 34 of IPC.

3. It is the case of the applicants that, the applicants No. 2 and 3 respectively are father and mother of the applicant No. 1. The applicants No. 4,

5, 6 and 8 are respectively brothers and sister of the applicant No. 1 and the applicants No. 7 and 8 are brothers-in-law of applicant No. 1. The

respondent No. 2 is wife of applicant No. 1, who has filed the FIR alleging aforesaid offences at the Shirpur Police Station, tq. Shirpur, Dist.

Dhule.

4. The learned Counsel for the applicants submits that the complaint has been filed by the complainant-respondent No. 2 just to harass the

applicants. Though it is alleged in the complaint that respondent No. 2 was forcefully dragged out of house on 26.8.2012, she did not make

complaint immediately. The allegations in the FIR are imaginary, false and concocted, made with a view to harass the innocent applicants. It is

further submitted that the allegations made in the complaint nowhere disclose specific roles played by the applicants so as to attract the offences

alleged against them. He further submits that the applicants No. 4 to 9 are residing separately and they are in no way concerned with the alleged

offences. These applicants have been falsely implicated in the complaint because they are relatives of applicant No. 1. The learned Counsel for the

applicants submits that the proceeding initiated by the respondent No. 2 is manifestly attended with mala fide, ulterior intention for wreaking

vengeance on the applicants due to personal grudge and therefore, he submits that the proceedings/the crime registered on the basis of FIR lodged

by respondent No. 2 may be quashed and set aside.

5. On the other hand, learned APP as also the Counsel for the original complainant - respondent No. 2 submit that statements of the complainant

and also the other witnesses have been recorded, they have alleged against the applicants. Therefore, this Court may reject the application.

6. We have heard the learned Counsel for the parties and also carefully perused the contents of the FIR. There are no any specific allegation as

against the respondents No. 4 to 9. There are general allegation of demand of Rs. 50,000/-. We have perused the statements of the witnesses.

There are no any specific allegations so as to attract the provisions of section 498A and other sections of the Indian Penal Code.

7. The Supreme Court in case of Preeti Gupta and Another Vs. State of Jharkhand and Another, ; held that, there are no specific allegations

against the appellants therein and none of the witnesses has alleged any role of the appellants and their in the complaint is meant to harass and

humiliate the husband's relatives and permitting the complainant to pursue the complaint would be an abuse of process of law and therefore, the

complaint was quashed.

8. In the present case also, there are no specific allegations against the applicants No. 4 to 9 and none of the witnesses has alleged specific role of

the applicants 4 to 9. They are residing separately and prima facie, it appears that the complaint has been filed to harass and humiliate the

applicants No. 4 to 9. Permitting the complainant to pursue the complaint would be an abuse of process of law.

9. In that view of the matter, we deem it appropriate to quash the complaint/Crime No. 345/2012 dated 30.11.2012 registered at Police Station,

Shirpur, Tq. Shirpur, Dist. Dhule for offences punishable under Sections 498A, 406, 323, 504, 506 r/w. 34 of IPC against the applicants No. 4 to

9 herein. Application is allowed in terms of prayer clause (B) to the extent of applicants No. 4 to 9 only.

As far as applicants No. 1 and 3 are concerned, application stands dismissed as withdrawn.

Rule made absolute partly in above terms.