

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. _____ OF 2023
(ARISING FROM SLP(Cr1.)No. 11996/2023)

AVINASH

APPELLANT(S)

VERSUS

STATE OF MAHARASHTRA & ANR.

RESPONDENT(S)

O R D E R

Leave granted.

2. We have heard Mr. Sandeep Sudhakar Deshmukh, learned counsel for the appellant and Mr. Siddharth Dharmadhikari, learned counsel appearing for the respondent-State of Maharashtra and also perused the relevant material.

3. The High Court, by the impugned order, had quashed the proceedings against all other accused except the husband, the present appellant, on the finding that the allegations made in the F.I.R. are completely vague, relying upon the judgment of this Court in the case of *Preeti Gupta and Another vs. State of Jharkhand*, reported in AIR 2010 SC 3363 and *Geeta Mehrotra and Another vs. Sate of U.P.*, reported in SCC Online SC 1251.

4. We have gone through the F.I.R. and find that the allegations are equally vague as against the husband-appellant also.

5. Before the High Court, the complainant-wife (respondent No.2 herein) did not contest the proceedings and the High Court had appointed an *amicus curiae* to represent her. Before this Court also, despite service being complete, she has chosen not to appear.

6. Considering the facts and circumstances of the case, we find that the F.I.R. is a complete misuse and abuse of process of law.

7. Accordingly, the appeal is allowed and the impugned proceedings are hereby quashed as against the appellant also.

....., J.
(VIKRAM NATH)

....., J.
(RAJESH BINDAL)

NEW DELHI;
OCTOBER 30, 2023.

ITEM NO.46

COURT NO.11

SECTION II-A

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (CrI.) No(s). 11996/2023

(Arising out of impugned final judgment and order dated 20-03-2023 in CRLA No. 3084/2022 passed by the High Court Of Judicature At Bombay At Aurangabad)

AVINASH

Petitioner(s)

VERSUS

STATE OF MAHARASHTRA & ANR.

Respondent(s)

(IA No. 181750/2023 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT AND IA No. 181751/2023 - EXEMPTION FROM FILING O.T.)

Date : 30-10-2023 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE VIKRAM NATH
HON'BLE MR. JUSTICE RAJESH BINDAL

For Petitioner(s) Mr. Sandeep Sudhakar Deshmukh, AOR
Mr. Nishant Sharma, Adv.
Mr. Akshay Subhash Jagtap, Adv.
Mr. Swapnil Anil Walde, Adv.

For Respondent(s) Mr. Siddharth Dharmadhikari, Adv.
Mr. Aaditya Aniruddha Pande, AOR
Mr. Bharat Bagla, Adv.
Mr. Sourav Singh, Adv.
Mr. Aditya Krishna, Adv.
Ms. Yamini Singh, Adv.

UPON hearing the counsel the Court made the following
O R D E R

Leave granted.

The appeal is allowed in terms of the signed
order.

Pending applications also stand disposed of.

(NEETU KHAJURIA)
ASTT. REGISTRAR-cum-PS

(RANJANA SHAILEY)
COURT MASTER

(Signed order is placed on the file.)