

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
CRIMINAL APPLICATION NO. 621 OF 2018**

Pranoti d/o Hemant Saste
Age 25 years, Occu: Education
R/o c/o Divyaraj Hemant Saste
Paschim Nagri Society,
Near City Pride, Kothrud, Pune
District Pune.

... **Applicant**
(Orig. Accused)

VERSUS

1. The State of Maharashtra
Through Police Station, Ambad
Dist. Jalna.

2. Pruthva w/o Harshad Deshmukh,
Age 24 years, Occu: Household
R/o C/o Sanjay Harshe,
Saroj Building, Ambad,
Tq. Ambad, Dist. Jalna.

... **Respondents**

Mr. Sudarshan J. Salunke, Advocate for the applicant
Mrs. V.S. Choudhari, APP for the respondent State.
Mr. P. A. Bhosale Advocate for respondent No.2

**CORAM : T. V. NALAWADE AND
K. L. WADANE, JJ.**

DATE: : 3rd July, 2018

JUDGMENT (Per K. L. Wadane,J.):

1. Rule. Rule made returnable forthwith. With the consent of the parties, the application is taken up for final hearing.

2. The application is filed under section 482 of the Code of Criminal Procedure for relief of quashing of first information report bearing Crime No.63/2017 registered with Ambad Police Station, Tq. Purna Dist. Jalna for the offence punishable under Section 498-A, 323, 494, read with 34 of the Indian Penal Code and sections 3 and 4 of the Dowry Prohibition Act.

3. Respondent No.2/original complainant Pruthava Deshmukh, lodged complaint against her husband, in-laws and other accused persons including the present applicant, alleging that she was ill-treated by her husband, in-laws and other accused persons on account of non fulfillment of demand of Rs. 10 lakhs for purchase furniture and because of repeated instances of ill-treatment, ultimately she left the matrimonial home in December, 2016. It alleged that her husband has got married with the present applicant Pranoti. With these allegations, offence as referred above came to be registered against the accused persons including the present applicant.

4. Heard Mr. Salunke, learned counsel for the applicant, Mrs. V.S. Choudhari, learned APP for the State and Mr. Bhosle, learned counsel for respondent No.2.

5. Allegations of demand of money and ill-treatment are made against other accused persons. The learned counsel for the applicant pointed out the order of this court dated 5th July , 2017 in Cri. Application No.1903/2017, wherein, this court has quashed and set aside the present F.I.R. to the extent of accused/applicant Nos. 4, 5 and 6 therein and rejected the application of husband and his parents.

6. On perusal of the first information report, it appears that complainant has alleged that her husband Hrarshad Deshmukh has got married with the applicant. From the record, it appears that applicant is B. B. A. graduate and she is pursuing her career. The allegation against the applicant about performing marriage with the husband of the complainant appears to be vague and imaginary in nature. She has no nexus with the complainant and her husband. There is no material particular quoting any specific incident of ill-treatment or any circumstance much less evidence about the alleged marriage so as to attract ingredients of the offence alleged against the applicant.

7. Allegations against the applicant, in the first information report are vague and general in nature. No specific act or overt-act is attributed to her. There is no specific instance or material particular

which would strengthen the allegation of the complainant about ill-treatment or about the alleged marriage against the applicant. On its face, the complaint does not constitute any offence against the present applicant. The applicant is a student and pursuing her carrier and has no nexus with the complainant or her husband. Therefore, we found considerable force in the argument of Mr. Salunke, learned counsel for the applicant for quashing the F.I.R. to the extent of the applicant. In view of the above, to prevent the abuse of process of law, we find that discretion needs to be exercised in respect of the applicant. Hence following order:

ORDER

- i. Application is allowed
- ii. First information report bearing Crime No. 63/2017 registered with Ambad Police Station, District Jalna for the offence punishable under Section 498-A, 323, 494, read with 34 of the Indian Penal Code and sections 3 and 4 of the Dowry Prohibition Act. is hereby quashed and set aside to the extent of Applicant Pranoti d/o Hemant Saste.

8. Rule is made absolute in the above terms.

(K. L. WADANE, J.)

(T. V. NALAWADE, J.)