

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 3383 OF 2018

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| 1 | Dnyaneshwar S/o Taterao
Kshirsagar, Age 34 Years,
Occupation service | Applicants |
| 2 | Manisha w/o Dnyaneshwar
Kshirsagar, Age 29 years, Occ.
Household | |
| | Both resident of Police Head
Quarter, Government Quarter
No.150/34, Jalna, Taluka and
District Jalna | |

V E R S U S

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|---|---|--------------------|
| 1 | The State of Maharashtra, Through
Police Station, Partur, Taluka
Partur, District Jalna | Respondents |
| 2 | Suman Anil Salve, Age 27 years,
Occ. Household, Resident of C/o
Gulab Gangaram Kasbe,
Brahmankheda, Taluka and District
Jalna | |

Shri R.M. Jade, Advocate, holding for
Shri S.P. Ingale, Advocate for the Applicants
Shri D.S. Jape, A.P.P. for the Respondent No.1/State
Shri A.L. Kanade, Advocate for Respondent No.2

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**CORAM : T.V. NALAWADE AND
M.G. SEWLIKAR, JJ.**

DATE : 13th December, 2019

ORAL JUDGMENT [PER: M.G. SEWLIKAR, J.] :

Rule. Rule made returnable forthwith. Heard finally with consent of both the parties.

2. This application is filed under Section 482 of Code of Criminal Procedure for quashing the F.I.R. under Sections 498-A, 323, 504, 506 read with Section 34 of the Indian Penal Code and under Sections 3 and 4 of Dowry Prohibition Act, registered with Partur Police Station, Taluka Partur, District Jalna.

3. Facts leading to this application are that, respondent No.2 married Anil Gulabrao Salve in the year 2014. Applicant No.2 is the sister of Anil Salve and applicant No.1 is the husband of applicant No.2. It is alleged in the F.I.R. that after marriage, respondent No.2 was treated well for about six months, and thereafter, her husband Anil Salve, her father-in-law Gulabrao Salve and her mother-in-law Shantabai Salve started harassing and beating the informant. She used to be kept starved and was driven out of the house. Her husband Anil used to doubt her chastity. He demanded Rs.3,00,000/- as a dowry for getting employment. Therefore, she lodged complaint against the applicants, her mother-in-law, father-in-law, sister-in-law and her husband. F.I.R. was accordingly registered for the offences punishable under Sections 498-A, 323, 504, 506 read with Section 34 of the

Indian Penal Code and under Sections 3 and 4 of Dowry Prohibition Act.

4. Heard learned counsel Shri R.M. Jade holding for learned counsel Shri S.P. Ingale for the applicants, learned A.P.P. Shri D.S. Jape for the respondent No.1/State and learned counsel Shri A.L. Kanade for the Respondent No.2.

Learned counsel for the applicants argued that the applicants are not residents of village of the husband of respondent No.2. The allegations are general in nature, and therefore, F.I.R. needs to be quashed against them.

Learned A.P.P. for the respondent No.1/State argued that there are specific allegations against the applicants and the informant was subjected to ill-treatment on account of non-fulfillment of demand of Rs.3,00,000/- by respondent No.2 and her parents. Therefore, the offences are made out against the applicants.

5. On perusal of the F.I.R., it is seen that there are specific allegations against the husband of the respondent No.2 and respondent No.2's parents. Allegations against the applicants are general in nature. It is pertinent to note that in the F.I.R.

itself the respondent No.2/the informant has given the address of the applicant Nos.1 and 2 as "488 Police Quarter 150, Room No.32, Jalna". This shows that the applicants are not the residents of village of the husband of respondent No.2. Thus, for want of specific allegations, it cannot be said that any offence punishable under Sections 498-A, 323, 504, 506 read with Section 34 of the Indian Penal Code and under Sections 3 and 4 of Dowry Prohibition Act could be said to be made out. In view of this, following order is passed :-

O R D E R

[1] Application is allowed in terms of prayer clause "B".

[2] Rule made absolute accordingly.

(M.G. SEWLIKAR, J.)

(T.V. NALAWADE, J.)