

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL APPLICATION NO. 916 OF 2021

Ashish Bhalchandra Dhone & Ors.

..Applicants.

Versus

The State of Maharashtra & Anr.

..Respondents

Mr. Amol Jagtap for Applicants.

Mr. K. V. Saste, APP for State/Respondent No.1.

**CORAM : NITIN JAMDAR AND
SARANG V. KOTWAL, JJ.**

DATE : 13 DECEMBER 2021

P.C. :

. By this Application the Applicants seek to quash the F.I.R. No. 178 of 2021 registered with Bibvewadi police station, Pune for the offences punishable Under Sections 498A, 323, 504 and 506 read with Section 34 of the Indian Penal Code, filed by the Respondent No.2.

2. The Respondent No.2 lodged the F.I.R. on the allegations that, after her marriage with the Applicant No.1 when she went to reside with the Applicant No.1, the Applicant No.1 and his family members subjected her to mental and physical cruelty and also demands for dowry. The Respondent No.2 has given instances of

mental and physical cruelty.

3. The learned counsel for the Applicants submitted that the F.I.R. does not disclose any particular or specific instance of mental and physical cruelty. It was also contended that some of the Applicants do not reside with the Applicant No.1 and, therefore, assertions of cruelty are baseless. It was contended that attempts were made to resolve the dispute and since the demand made by the Respondent No.2 was excessive the settlement could not go through and, therefore, the F.I.R. was lodged.

4. The Applicants have sought to invoke extraordinary jurisdiction of this Court to quash the F.I.R. The parameters to exercise power to quash the F.I.R. are limited as settled by various decisions of the Hon'ble Supreme Court.

5. The F.I.R. mentions that the Applicants together threatened the Respondent No.2 and demanded gold and two flats. The instances of physical and mental cruelty have also been clearly narrated. It is not possible for us to appreciate the evidence to hold that the Applicants are not guilty. It is settled that the F.I.R. need not contain all the particulars. It cannot be said that there is nothing to be investigated in this F.I.R. and, therefore, this is not a rarest of rare case as observed by the Hon'ble Supreme Court in the case of *Neeharika Infrastructure Pvt. Ltd. Versus State of Maharashtra and Others*¹.

¹ 2021 SCC OnLine SC 315

6. The Application, therefore, cannot be entertained and it is accordingly rejected.

(SARANG V. KOTWAL, J.)

(NITIN JAMDAR, J.)