

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.1800 OF 2019

Shekhar Suresh Dahake And Anr. .. Applicants
v/s.
The State of Maharashtra And Anr. .. Respondents

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Mr. Mahindra Deshmukh, for the Applicants.

Mrs. M.H. Mhatre, APP, for Respondent State.

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**CORAM: NITIN JAMDAR &
SARANG V. KOTWAL JJ.**

DATE : 16 NOVEMBER 2021.

P.C:-

By this application, filed under Section 482 of the Code of Criminal Procedure, the Applicants seek to quash FIR bearing CR No. 829 of 2019 registered with Bhosari Police Station, Pimpri-Chinchwad, Pune for the offence punishable under Sections 306, 498A r/w. 34 of Indian Penal Code.

2. Respondent No.2 filed the aforesaid FIR on 16 September 2019 upon his married daughter Meena, aged 30, committing suicide on 31 August 2019. In the FIR, Respondent No.2 stated that Meena had got married on 7 February 2007 with Sandeep Vishnu Hasnale.

Thereafter, Meena was informing Respondent No.2 that she was being harassed on account of dowry by her husband and mother-in-law, who were demanding that Respondent No.2 should give cash amounts. It was then stated that when Meena's father-in-law expired due to cancer, aunt of Meena's husband, i.e. Applicant No.2, and cousin of Meena's husband, Applicant No.1, came to stay at Meena's matrimonial home. The Applicants used to instigate the quarrel between Meena and her mother-in-law and this was specifically told to Respondent No.2 and, upon instigation of the Applicants, Meena's mother-in-law and husband were committing physical and mental cruelty. It is then stated in the FIR that on 31 August 2019, Meena had called Respondent No.2 on phone and started crying that she is suffering tremendous mental and physical cruelty and Respondent No.2 should take her back to her maternal home. On that day Meena committed suicide by hanging herself. This is the FIR, which is sought to be quashed.

3. The learned Counsel for the Applicants submitted that the story given in the FIR is entirely improbable and the Applicants stay at a distance in a different town. He also submitted that there is a delay in lodging the FIR and subsequently, the Applicants have been roped in the FIR. Thirdly, it is submitted that the allegations made in the FIR are vague and general allegations and bare perusal of the FIR would show that no offence is made out against the Applicants and therefore the FIR be quashed.

4. The scope of exercise of extra ordinary jurisdiction of this Court under Section 482 for quashing of the FIR is limited and its parameters are well settled. The Court does not hold a mini trial to quash a FIR. It is well settled that the FIR is not an encyclopedia and need not disclose exact particulars relating to the offence reported.

5. As far as the contention of the Applicants that the Applicants were staying away in different town are concerned, it is specifically stated in the FIR that after the death of Meena's father-in-law, the Applicants came to stay with Meena's husband. It is not possible for us to give a finding of fact accepting defence of the Applicants that they were not residing with the victim. As regards the delay in filing the FIR is concerned, this aspect can be explained by Respondent No.2 when the case is taken up for trial. Thirdly, the argument that the allegations are vague and general is not correct. The allegations are specific that the Applicants were instigating the mother-in-law, because of which the mother-in-law and the husband were causing mental and physical cruelty.

6. Considering these aspects, we do not find that there is any case made out for exercise of extra ordinary jurisdiction of this Court to quash the FIR.

7. The application is, accordingly, rejected.

(SARANG V. KOTWAL, J.)

(NITIN JAMDAR, J.)