

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH : NAGPUR.

CRIMINAL APPLICATION (APL) NO.273 OF 2018

1. Amol S/o. Shrihari Dabhade,
Aged about 31 years, Occ. Agriculturist,
2. Sumanbai wd/o. Shrihari Dabhade,
Aged about 61 years, Occ. Household,

Both R/o. Deurwada, Tah. Chandur
Bazar, Dist. Amravati.
3. Sau. Ujwala W/o. Ramdas Kurhade,
Aged about 40 years, Occ. Household,
R/o. Ghatladki, Tah. Chandur Bazar,
Dist. Amravati.
4. Sau. Nalini W/o. Gopalrao Darokar,
Aged about 35 years, Occ. Household,
R/o. Hiwarkhed, Tah. Morshi,
Dist. Amravati.
5. Sau. Archana W/o. Vijayrao Pokale,
Aged about 33 years, Occ. Household,
R/o. Ambala, Tah. Morshi,
Dist. Amravati.
6. Sau. Pranjali W/o. Nileshrao Nichat,
Aged about 27 years, Occ. Household,
R/o. Nerpinglai, Tah. Morshi,
Dist. Amravati.

. . . . APPLICANTS

.....VERSUS.....

1. State of Maharashtra through
Police Station Officer,
Police Station Sirajgaon,
Tah. Chandur Bazar,
Dist. Amravati.
2. Mrs. Asmita W/o. Amol Dabhade,
(Before marriage Asmita Bhaurao Amzare)

Aged about 27 years, Occ. Household,
R/o. Deurwada, Tah. Chandur Bazar,
Dist. Amravati.

. . . . **NON-APPLICANTS**

Ms. Gayatri R.Diwe, Advocate h/f Shri P.R.Agrawal, Advocate for applicants.

Ms. Mayuri Deshmukh, APP for respondent no.1.

Shri S.S.Singane, Advocate for respondent no.2.

**CORAM :- Z. A. HAQ AND
AMIT B. BORKAR, JJ.**

DATED :- 12.01.2021

ORAL JUDGMENT (Per Amit B. Borkar, J)

1. Heard.
2. Rule. Rule made returnable forthwith. Heard by consent of the learned Advocate and learned APP appearing for the respective parties.
3. This is an application under Section 482 of the Code of Criminal Procedure challenging First Information Report bearing no.19/2008 dated 25.1.2018 registered with the non-applicant no.1 - Police Station for offences punishable under Sections 498-A, 504 and 506 read with Section 34 of the Indian Penal Code.
4. The First Information Report came to be registered against the applicants with the allegations that the applicant no.1 being husband and the applicant nos. 2 to 6 being family

members casts doubt on character of the non-applicant no.2 and physically and mentally harassed to the non-applicant no.2 by demanding dowry. The non-applicant no.2 tried to settle the matter before the Women's Protection Committee.

5. The applicants have, therefore, challenged the First Information Report by way of filing the present application. The applicant no.1 is the husband. The applicant no.2 is the mother-in-law of the non-applicant no.2; whereas applicant nos.3 to 6 are the sisters-in-law of the non-applicant no.2, who are not residing at the matrimonial place of the applicant no.1 and the non-applicant no.2. The dates of the marriage of applicant nos.3 to 6 are 13.5.1999, 23.6.2003, 15.5.2010 and 18.6.2017. The First Information Report is dated 25.1.2018.

6. We have carefully considered the allegations made in the First Information Report. The offence alleged against the applicants are under Sections 498-A, 504 and 506 of the Indian Penal Code. 'Cruelty' as defined under Section 498-A of the Indian Penal Code must meet the following requirements:

- (i) there should be harassment of woman;

- (ii) harassment should be with a view to coercing her or any person related to her to meet any unlawful demand for any property or valuable security;
- (iii) the harassment may be on account of failure by woman or any other person related to her to meet any such demand earlier made.

7. Now-a-days, it has become a tendency to make vague and omnibus allegations on every member of the family of the husband invoking Section 498-A of the Indian Penal Code by making one or the other allegations. Hence, it has become necessary for the Courts to carefully scrutinize the allegations and to find out if the allegations made really constitute offence and *prima facie* meet the requirements of law. The allegations in the First Information Report, we find that the allegations are vague in nature and specific instances of the involvement of the applicants are not set out in the First Information Report. As stated above, the applicant nos.3 to 6 were not residing at their matrimonial place of the non-applicant no.2.

Insofar as the allegations for attracting ingredients of Sections 504 and 506 of the Indian Penal Code are concerned, we have scrutinized the contents of the allegations made

against the applicants in the context of fulfillment of Section 504 of the Indian Penal Code punishable under Section 506 of the Indian Penal Code. The allegations alleged against the applicants, even if accepted to be correct, do not fulfill the ingredients of offence under Section 504 punishable under Section 506 of the Indian Penal Code.

8. We are, therefore, satisfied that the continuance of the proceedings would amount to abuse of process of the Court. We, therefore, pass the following order:

First Information Report No.19/2018 dated 25.1.2018 registered with the non-applicant no.1 - Police Station for offences punishable under Sections 498-A, 504 and 506 of the Indian Penal Code is quashed and set aside.

Rule is made absolute accordingly.

JUDGE

JUDGE

Ambulkar