

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CRIMINAL APPLICATION NO. 934 OF 2021

Vanita Laxman Raje .. Applicant

Versus

The State of Maharashtra and another .. Respondents

Mr. Girish S. Rane, Advocate for the Applicant.
Mrs. P. V. Diggikar, APP for the Respondent No. 1.
Mr. S. J. Salunke, Advocate for Respondent No. 2.

**WITH
CRIMINAL APPLICATION NO. 942 OF 2021**

Dr. Kailas Kashinath Pawar
and others .. Applicants

Versus

The State of Maharashtra and another .. Respondents

Mr. Swapnil S. Rathi, Advocate for the Applicants.
Mr. R. V. Dasalkar, APP for the Respondent No. 1.
Mr. S. J. Salunke, Advocate for Respondent No. 2.

**CORAM : SARANG V. KOTWAL
AND
BHARAT P. DESHPANDE, JJ.**

DATED : 28th JUNE 2022.

PER COURT :-

. Both these applications are decided by this common order because they arise out of the same registered FIR and the same investigation. For the sake of convenience, the applicants are referred

by their names.

2. Criminal Application No. 934 of 2021 is preferred by the applicant Vanita Laxman Raje. The informant has alleged that she was having illicit relations with husband of the informant.

3. The applicants in Criminal Application No. 942 of 2021 are as follows. The applicant No. 1 is the husband of the informant, the applicant Nos. 2 and 3 are his parents, the applicant No. 4 is his brother and applicant No. 5 is his sister.

4. We have heard learned counsel for the parties.

5. Learned counsel for the applicant in Criminal Application No. 934 of 2021 submitted that even if the FIR and the charge-sheet are taken into consideration as there are, no offences can be attributed to her. She was not a relative of the informant's husband. Therefore, section 498-A of the Indian Penal Code is not attracted against her. Even otherwise, none of other sections are attracted against her as none of the ingredients of these sections can be attributed against her.

6. Learned counsel for the applicants in Criminal Application No. 942 of 2021 submitted that though there are certain allegations against the husband, there are no allegations against other applicants in

attracting the sections applied in this case.

7. Learned counsel for the respondent No. 2 and learned APP opposed these applications. They submitted that the FIR itself and all other statements in the charge-sheet make out a clear case against all the applicants.

8. We have considered the submissions and we have also perused the charge-sheet including the FIR.

9. The FIR mentions that the informant had got married with the applicant - Kailas on 06.03.2017. She started residing with her husband and all the applicants in Criminal Application No. 942 of 2021. She has further mentioned in the FIR that since May 2017 itself all these applicants from her husband's family started making grievance that proper dowry or ornaments were not given. They started harassing her mentally and physically. The husband used to beat her. There are allegations that the husband and his parents demanded Rs. 10,00,000/-. This amount was paid by her parents. The FIR mentions that the applicant No. 4 who is the brother of the husband used to enter the room of the informant and used to demand to have physical relations. He thus, continuously harassed her. After a few days, the informant and her husband started residing at Manvat as her husband

was serving at Kolha Public Health Centre. It is her case that his parents and the applicant No. 4 then assaulted the informant because according to them she was the reason why her husband had started residing in a different place. The FIR goes on to mention that between January 2019 to August 2020, the informant's husband developed relationship with the applicant in Criminal Application No. 934 of 2021. The FIR goes on to mention different instances where the allegations are made about illicit relations. The villagers and the relatives knew about it. Amount of Rs. 15,00,000/- was paid to the applicant in Criminal Application No. 934 of 2021. It is her case that her husband and this applicant promised not to continue with their illicit relations. The FIR goes on to mention that the applicant No. 4 in Criminal Application No. 942 of 2021 took advantage of the situation and started demanding physical relationship. The father of the husband continued demanding money.

10. As far as the applicant No. 5 in Criminal Application No. 942 of 2021 is concerned, there are allegations that, at the time of lodging of FIR, the informant's sister in law - applicant No. 5 was staying with informant because of her pregnancy and at that time she was instigating the informant's husband to harass her. The FIR mentions that applicants used to record her telephonic talks with her family. On

that basis, the FIR is lodged.

11. The investigation was carried out and the charge-sheet was filed. Statements of the informant's family and their friend were recorded. The charge-sheet contains statements of father - Sunil, brother - Sanket, mother- Shobha and acquaintance Bhalchandra and others. Statement of informant's father and all other statements are similar to the allegations in the FIR.

12. It is rightly submitted by learned counsel for the applicant in Criminal Application No. 934 of 2021 that no ingredients of any of the sections applied are attracted against this applicant. Therefore, the proceedings against her need to be quashed.

13. As far as the Criminal Application No. 942 of 2021 is concerned, there are specific allegations as mentioned earlier in respect of the applicant Nos. 1, 2, 3 and 4. The applicant No. 5 is a Doctor and is residing in Mumbai. She has nothing to do with the entire episode. The vague allegations are made against her that she use to instigate her brother i.e. the informant's husband. The, allegations against the applicant No. 5 are vague. Therefore, we are inclined to grant relief to the applicant No. 5 as well.

14. As far as the other applicants are concerned, there is sufficient

material against them. The allegations are serious. The proceedings against them cannot be quashed. Therefore, we pass the following order.

ORDER

- (I) The Criminal Application No. 934 of 2021 is allowed in terms of prayer clause (AA). The proceedings, i.e. RCC No. 147/2021 before Judicial Magistrate (F.C.), Jintur are quashed against the Applicant Vanita Raje.
- (II) The Criminal Application No. 942 of 2021 is partly allowed. The prayer clause (C-1) is granted only in respect of applicant No. 5 – Kavita Ashish Sawale. The proceedings i.e RCC No. 147/2021 pending before the Judicial Magistrate First Class, Jintur are quashed and set aside only in respect of the applicant No. 5 - Kavita Ashish Sawale in this application.
- (III) The Criminal Application No. 942 of 2021 to the extent of applicant Nos. 1, 2, 3 and 4 is rejected.

15. The Criminal Applications are disposed of.

(BHARAT P. DESHPANDE)
JUDGE

(SARANG V. KOTWAL)
JUDGE

PS.B.