

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD
CRIMINAL WRIT PETITION NO. 636 OF 2022

1. Mrs. Sumanbai Pandurang Thakre,
Age. 60 years, Occ. Housewife,
2. Mr. Nitin Pandurang Thakre,
Age. 43 years, Occ. Service,
3. Mrs. Shobhabai Nitin Thakre,
Age. 35 years, Occ. Housewife,
1 to 3 R/at. New Pankaj Apartment, Room No. 205,
Behind Jeevan Sandhya Soc., Rambaug lane No. 4,
Kalyan (West).
4. Mr. Umesh Pandurang Thakre,
Age. 41 years, Occ. Service,
5. Mrs. Mayabai Umesh Thakre,
Age. 47 years, Occ. Business,
4 and 5 R/at. Room No. 203 (1) Wing,
Shree Chamunda Garden Soc.,
Beside Balaji Aangan,
90 Feet Road, Thakurli, Dombivli (East). Petitioners

Versus

1. The State of Maharashtra,
At the instance of Kasarwadi, Police Station, Thane.
2. Mrs. Chitraba Mukesh Thakre,
Age. 27 years, Occ. Housewife,
Add : Burzad, Tq. And Dist. Dhule. ... Respondents

Advocate for Petitioners : Mr. U.U. Wagh
APP for State : Mr. S.J. Salgare

**CORAM : SMT. VIBHA KANKANWADI &
RAJESH S. PATIL, JJ.**

DATE : 01st AUGUST, 2022.

ORAL JUDGMENT [PER : RAJESH S. PATIL, J.] :-

1. By invoking the inherent powers of this Court under Section 482 of the Code of Criminal Procedure, 1973 and Article 226 of the Constitution of India, the petitioners seek quashing of charge-sheet No. 63/2018 registered with Songir Police Station, Dhule, for the offences punishable under Sections 498-A, 323, 406, 504, 506 read with 34 of the Indian Penal Code.

A. FACTS :

2. The respondent No. 2 got married with Mukesh Pandurang Thakre on 15 February, 2013, at Kalyan, District Thane. The applicants who are the relatives of Mukesh Pandurang Thakre have filed the present Criminal Writ Petition for quashing of charge-sheet. It is the case of applicants that after the marriage of Mukesh with respondent No. 2, initially they lived happily. The Criminal Writ Petition further alleges that the respondent No. 2 has falsely claimed that Mukesh (husband) along with the petitioners demanded monies and ornaments from the father of respondent No. 2. It is also alleged that Mukesh (husband) forced respondent No. 2 to abort her child. Thereafter, respondent No. 2 alleged that Mukesh (husband) forced respondent No. 2 to hand over gold ornaments worth Rs. 39,000/-, on the count that Mukesh (husband) was in urgent need of money and promised to return the same within six months. However, Mukesh (husband) did not return the monies.

3. It is further alleged that thereafter, Mukesh (husband) dropped respondent No. 2 at her parents home and was not ready to take her back to his house. It is further alleged that respondent No. 2's father

was forced to transfer Rs. 98,000/- to Mukesh (husband). Accordingly, on 20.03.2014, the father of respondent No. 2 transferred Rs. 98,000/- to Mukesh; only then Mukesh brought back respondent No. 2 to his house.

4. It is further stated by respondent No. 2 in her complaint that Mukesh again dropped respondent No. 2 to her parents' house on the occasion of marriage of sister of respondent No. 2. However, after marriage Mukesh was not ready to take back respondent No. 2, as Mukesh and his family members wanted monies from respondent No. 2's parents.

5. Respondent No. 2 thereafter approached Songir Police Station, Dhule, where First Information Report No. 63/2018 under Section 498-A, 323, 406, 504, 506 read with 34 of Indian Penal Code was lodged. The statement of respondent No. 2 was recorded and Mukesh along with the petitioners were shown as accused. Subsequently, after recording statements of witnesses charge-sheet bearing No. 106/2018 was lodged on 20th November, 2018.

6. The petitioners who are the close relatives of Mukesh (husband) have challenged the First Information Report and charge-sheet by way of present Criminal Writ Petition, seeking quashing of the same.

B. SUBMISSION OF PARTIES :

7. Heard learned Advocate Mr. Umakant Wagh for the petitioners and learned APP Mr. S.J. Salgare, for the respondent No. 1.

8. Learned Advocate for the petitioners submitted that the

respondent No. 2 with ill-intention has lodged the First Information Report against the relatives and husband only with the intention to pressurize the husband. Baseless allegations are made against the husband and his relatives without any material. The petitioner No. 1 is the mother-in-law aged 60 years and has been unnecessarily dragged at this age into matrimonial litigation by her daughter-in-law i.e. respondent No. 2. The petitioner No. 2 and petitioner No. 4 are the married brothers-in-laws of respondent No. 2, they along with their respective wives i.e. respondent Nos. 3 and 5 are also added as accused by respondent No. 2. After going through the allegations made in the complaint, it can be seen that no cognizable offence is made out. Hence, it is necessary to quash and set aside the First Information Report and charge-sheet filed against the petitioners, who are the distant relatives of husband of respondent No. 2. Various judgments of High Court and Supreme Court support the submission of the petitioners on this issue.

9. Learned APP Mr. S.J. Salgare, on the other hand submitted that specific allegations have been made against all the petitioners and the husband of respondent No. 2 which shows that cognizable offence is made out. Hence, even the charge-sheet has been filed, therefore, there is no question of quashing the Criminal Proceedings at this stage.

C. ANALYSIS :

10. A detailed First Information Report and thereafter charge-sheet has been lodged by the Investigating Officer. In the said statement, respondent No. 2 has specifically stated that initial period of six months, she was treated with love and affection by the petitioners and her husband (Mukesh). Soon thereafter, her husband and all the petitioners

ill-treated her and demanded Rs. 2 Lakhs to buy a new flat. As the demand was not met, all the petitioners and Mukesh ill-treated her. Further, she has stated that Mukesh forced her to abort her child against her will. Thereafter, Mukesh forced her to hand over gold ornament worth Rs. 39,000/- as he needed monies. He promised to return the same. However, he did not return the same soon. Thereafter, Mukesh dropped respondent No. 2 to her parents' house. And demanded Rs. 98,000/- from respondent No. 2's father, ultimately, the respondent No. 2's father through bank account, on 20th March, 2014, transferred Rs. 98,000/-. Respondent No. 2 has further mentioned in her complaint that only then she was allowed to come back to her matrimonial home.

11. It is further stated that as respondent No. 2's husband job was transferred to another town. The petitioners again sent back the respondent No. 2 to her parents' house, and did not allow her to come back.

12. Since respondent No. 2, has specifically stated that certain monies were paid in Bank account of husband; the petitioners would have to prove it in competent Court at appropriate stage as to whether these amounts were paid or not and on what count whether they had demanded monies. The First Information Report and the statements of witnesses clearly mention that the petitioners have role in harassing the respondent No. 2 and they are all relatives of the husband of respondent No. 2, who were making unlawful demand.

13. Taking into consideration the statements in the First Information Report and the charge-sheet filed, we are of a considerable view that, this cannot be a fit case where the powers of this Court under

Section 482 of the Code of Criminal Procedure should be exercised, for quashing the First Information Report and charge-sheet. Hence, the following order :

ORDER

Criminal Writ Petition stands rejected. No order
as to costs.

(RAJESH S. PATIL, J.)

(SMT. VIBHA KANKANWADI, J.)