

IN THE HIGH COURT OF JUDICATURE AT BOMBAY BENCH  
AT AURANGABAD

47 CRIMINAL APPLICATION NO. 2151 OF 2021

YAMINI W/O. KSHITIJIT TANPURE AND ANOTHER  
VERSUS  
THE STATE OF MAHARASHTRA AND ANOTHER

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Advocate for Applicants : Mr. Shubham Jaybhar h/f  
Mr. Rameshwar O. Chavan

APP for Respondent No.1 : Mr. M. M. Nerlikar  
Advocate for Respondent no.2 : Mr. Partik P. Kothari

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CORAM : SARANG V. KOTWAL  
BHARAT P. DESHPANDE, JJ.  
DATED : 04 JULY 2022

PER COURT:-

1. This is an application for quashing of the proceedings i.e. R.C.C. No. 1144/2021 on the file of the 6<sup>th</sup> Additional Chief Judicial Magistrate arising out of the FIR vide C.R. No. 569/2021 registered with M.I.D.C. Police Station, Ahmednagar under Sections 498-A, 323, 504, 506 r/w 34 of IPC.

2. Learned counsel for respondent no.2, at the outset, states that charges in this case are framed. No such mention was made in

the application. However, on instructions, learned counsel for the applicants also accepted that as of today, charges are framed and the trial has started. In this view, it is quite late for considering the question of quashing of the proceedings. However, in the interest of justice, we have heard the parties.

3. The FIR is lodged by respondent no.2 Aishwarya Wagh. Applicant no.1 is her sister-in-law and applicant no.2 is the husband of applicant no.1.

4. The informant has mentioned in the FIR that she got married with applicant no.1's brother on 01.07.2008. Initially, for six months, she was treated properly. Thereafter, there are specific allegations that her husband and his parents used to harass her. The husband started demanding gold from her parents. He demanded 50 *tola* gold. On that ground, she was harassed. There are specific allegations against both these applicants that both of them used to abuse her and they told her that she should give divorce before there was any child from the marriage. They also

threatened her on this count. After few days, her husband started consuming liquor and started harassing her. The FIR mentions that all the family members, and in particular, both the applicants used to demand 50 *tola* gold from her and were forcing her to give divorce to her husband. On 23.05.2020, she was driven out of her house when she was pregnant for two months. Since then, she went to reside with her parents. Then she lodged grievance against her in-laws. She delivered a child but there was no improvement in the situation. The husband used to call her telephonically and used to abuse and harass her. On 24.08.2021, her husband came to her house and beat the informant and her parents. Finally, she lodged the FIR.

5. Learned counsel for the applicants submitted that the allegations against the present applicants are vague and general in nature. He submitted that both the applicants were residing at Pune and therefore, they could not have caused harassment to the informant because her matrimonial house was in Rahuri. He relied on the judgment of the Hon'ble Supreme Court in ***Kahkashan***

*Kausar @ Sonam v. State of Bihar* [AIR 2022 SC 820]. He submitted that in that case, the Hon'ble Supreme Court had observed that the allegations were general in nature and the complainant alleged that all accused harassed her mentally and threatened her of terminating her pregnancy. No specific and distinct allegations were made against the applicants before the Court and therefore, benefit was given to those accused specifically because the allegations were general and omnibus and were made on account of small skirmishes.

6. Learned counsel for respondent no.2, on the other hand, relied on the judgment of the Hon'ble Supreme Court in the case of *State of Odisha v. Pratima Mohanty and others* (Criminal Appeal Nos. 1455-1456 of 2021 decided on 11.12.2021 which is reported in AIR 2022 SC 41) wherein, the Hon'ble Supreme Court observed that the Court cannot embark upon an inquiry as to the reliability or genuineness of the allegations made in the F.I.R./complaint and that quashing the complaint/F.I.R. is an exception rather than any ordinary rule.

7. We have considered these submissions and we have also perused the charge-sheet. The charge-sheet contains statements of the informant's parents and their family friends. All of them have supported the informant's version as narrated in the FIR.

8. As far as the contention of learned counsel for the applicants that there are no specific allegations against the applicants is concerned, it is not correct. The FIR specifically makes reference to these two applicants. It is alleged in the FIR that both of them used to abuse her and used to threaten her. They told her to obtain divorce before there was any child from the marriage. There are further allegations that apart from the mother-in-law and father-in-law, both the applicants had demanded 50 *tola* gold from her. These allegations attract Section 498-A of IPC. Learned counsel for respondent no.2 relied on the Aadhaar card of both these applicants which shows their address at Rahuri. Therefore, the contention that the applicants were not residing at Rahuri is not correct. At this stage, it is not possible to give finding as to whether the version in the FIR is true or false. At this stage, there are

sufficient allegations made in the FIR and in the statements against both these applicants. There is reasonable possibility that both of them have committed offence as alleged in the FIR. Therefore, no case for interference is made out. The matter requires full-fledged trial. The charges are already framed and therefore, the matter can be decided during trial. In this view of the matter, we are not inclined to quash the proceedings. Hence, the application is rejected.

**BHARAT P DESHPANDE, J.**

**SARANG V. KOTWAL, J.**

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