

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

CRIMINAL APPLICATION NO.83 OF 2022

1. Bhushan Suresh Patil,
Age 34 years, Occu. Service
2. Shobha Suresh Patil,
Age 62 years, Occu. Household
3. Suresh Panditrao Patil,
age 69 years, Occu. Retired,

All R/o Plot No.9,
Jai Hind Colony, Deopur, Dhule,
Taluka and District Dhule.

**(Application of applicants No.1 to 3 withdrawn
vide Court's order dated 16th February, 2022)**

4. Harshada Prashant Patil,
Age 39 years, Occu. Service,
R/o A-204, Om Sadguru nagar,
Holy Cross Road, Borivali (West),
Mumbai, Tal. & Dist. Mumbai.
5. Punam Atamj Patil,
Age 37 years, Occu. Household,
R/o 402, Variyan, Sadashiv Nagar,
Sagar Sweets, Nashik,
Tal. & District Nashik.

... APPLICANTS

VERSUS

1. The State of Maharashtra
(copy to be served on
Public Prosecutor, High Court,
Bench at Aurangabad)
2. Sau. Leena w/o Bhushan Patil,
Age 33 years, Occu. Household,
C/o Suresh Digambar Patil,
R/o Plot No.6, Anand Nagar,

Deopur, Dhule,
Tq. & District Dhule

... RESPONDENTS

.....
Mr. A.D. Sonar, Advocate for applicants
Mrs. V.N. Patil Jadhav, A.P.P. for respondent No.1.
Ms. Vanita H. Sangole, Advocate for respondent No.2 (appointed)
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**CORAM : SMT. ANUJA PRABHUDESSAI AND
R.M. JOSHI, JJ.**

DATE : 6th JANUARY, 2023

P.C. :

With the consent of learned counsel for rival parties,
heard finally at the stage of admission.

2. This is an application filed under Section 482 of the Code of Criminal Procedure to quash First Information Report/ Crime No.88/2021, dated 24/6/2021, registered with Deopur Police Station, Taluka, District Dhule, against the applicants for the offences punishable under Sections 498-A, 377, 406, 312, 323, 504, 506 read with Section 34 of the Indian Penal Code and consequential criminal proceedings being R.C.C. No.499/2022, pending before the learned Judicial Magistrate, First Class, Dhule.

3. The aforesaid crime was registered pursuant to the First Information Report lodged by the respondent No.2. The marriage of respondent No.2 was solemnised with applicant No.1 on 19/6/2013. The applicants No.2 and 3 are the parents and

applicants No.4 and 5 are the married sisters of applicant No.1. The respondent No.2 alleged that, the applicants subjected her to ill-treatment. The respondent No.2 alleged that, the applicants would constantly taunt and insult her and would doubt her character. The respondent No.2 has also accused the applicants for demanding dowry of Rs.15 Lakhs. It is also alleged that, the applicant No.1 subjected her to unnatural intercourse. Based on the aforesaid accusations, the aforestated crime came to be registered against the aforestated applicants.

4. Heard learned counsel for the applicants, learned A.P.P. for respondent No.1 – State and learned counsel for respondent No.2. We have perused the record and considered the submissions advanced by learned counsel for the respective parties.

5. By order dated 16/2/2022, the application filed by the applicants No.1 to 3 was allowed to be withdrawn. As regards the present applicants No.4 and 5, they are the married sisters of applicant No.1. The applicant No.4 resides at her matrimonial home at Mumbai whereas the applicant No.5 is the resident of Nashik. The accusations against these applicants are that, they were quarrelsome, proud and of suspicious nature. They would allege that they are from a very rich family and comment that the respondent No.2 did not deserve to have such rich in-laws.

Respondent No.2 has alleged that she had gone to her parental home on 1/5/2014 for her first delivery. It is alleged that, these applicants did not visit her to see the new born child. It is also alleged that, even after the respondent No.2 returned home, these applicants did not bother to enquire about her child.

6. The respondent No.2 has also stated that, her husband and parents-in-law had demanded Rs.15 Lakhs. It is further stated that, in February 2019, the applicant No.1 – husband and his parents drove her out of the house for not meeting the demand of dowry of Rs.20 Lakhs. She has stated that, the applicant No.1 and other family members allowed her to return to the matrimonial home in February 2020, but once again started demanding dowry of Rs.15 Lakhs.

7. A perusal of the First Informant Report prima facie reveals that, the accusations of demand of dowry and cruelty are basically levelled against the applicant No.1 and his parents. The accusations made against these applicants are that they were suspicious, proud, arrogant and dominating. They did not visit the parental home of the respondent No.2 to see the new born child and did not enquire about her child. These accusations would not constitute any offence much less offence under Section 498-A of the Indian Penal Code. There are no specific accusations against

these applicants No.4 and 5 which would indicate that they had demanded dowry or subjected the respondent No.2 to physical or mental cruelty. Hence, the decision in the case of **Rajesh Himmat Pundkar & ors. vs. State of Maharashtra & anr. (Criminal Application No.233/2020)** relied upon by the learned counsel for respondent No.2 is distinguishable and not applicable to the facts of the present case.

8. The nature of the accusations levelled against these applicants, even if taken at face value and accepted in entirety, do not constitute any offence as alleged. Hence, continuance of criminal proceedings against these applicants would be sheer abuse of process of law. Under the circumstances, this is a fit case to exercise jurisdiction under Section 482 of the Code of Criminal Procedure.

9. In the circumstances, the Criminal Application is allowed in terms of prayer clauses (B) and (B-1). Consequently, Crime No.88/2021, dated 24/6/2021, registered with Deopur Police Station, Taluka and District Dhule for the offences punishable under Sections 498-A, 377, 406, 312, 323, 504, 506 read with Section 34 of the Indian Penal Code and consequential criminal proceedings being R.C.C. No.499/2022, pending before the learned Judicial Magistrate, First Class, Dhule are quashed qua

the applicants No.4 and 5 herein.

10. Fees of learned counsel Ms.Vanita H. Sangole is quantified at Rs.6000/- (Rupees six thousand).

(R. M. JOSHI, J.)

(SMT. ANUJA PRABHUDESSAI, J.)

fmp/-