

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO.1105 OF 2022

1. Ajinkya s/o. Bansidhar Dhakane
(*Withdrawn*)
2. Minakshi w/o. Bansidhar Dhakane
(*Withdrawn*)
3. Bansidhar s/o. Shamrao Dhakane,
4. Vinaya Chandrakant Sanap
(*Withdrawn*)
5. Chandrakant s/o. Vitthal Sanap,
6. Pushpa Maruti Kedar,
7. Chandrakant s/o. Ambadas Dhakane,
8. Madhav s/o. Shamrao Dhakane,
9. Savita Madhukar Kedar,
10. Akshay s/o. Abhaykumar Bora ..Applicants

Vs.

1. The State of Maharashtra
2. Ujwala w/o. Ajinkya Dhakane ..Respondents

Mr.S.C.Arora, Advocate for applicants
Mr.R.V.Dasalkar, Advocate for respondent no.1
Mr.N.C.Garud, Advocate for respondent no.2

CORAM : R.G.AVACHAT AND
SANJAY A. DESHMUKH, JJ.
RESERVED ON : JUNE 20, 2023
PRONOUNCED ON : JULY 05, 2023

ORDER :-

This is an application under Section 482 of the Code of Criminal Procedure, for quashment of the First Information Report (FIR) being Crime No.0051 of 2022, registered with Tophkhana Police Station, Ahmednagar, for the offences punishable under Sections 498-A, 323, 504 and 506 of Indian Penal Code and the consequential proceedings, i.e. R.C.C. No.702 of 2022.

2. The case of prosecution as is disclosed from the FIR is as under:-

The informant is a Medical Practitioner. She married co-accused – Ajinkya on 11.02.2015. The marriage expenditure was incurred by her parents. The informant started residing at her matrimonial home. It has been averred in the FIR that the informant was abused by her husband and in-laws, except her father-in-law, on account of her father to have not incurred expenditure of marriage reception and even not paid them for honeymoon trip. It has been averred that the informant's in-laws started asking her to fetch Rs.2 Lakhs from her parents for renovation of medical clinic of her husband and herself. When she used to visit her parental home, she would relate them her woes. It

has further been averred that in May, 2015, the informant's husband, mother-in-law and sisters-in-law (not before Court) beat her up. In September, 2015, she was again asked to fetch money for purchasing hospital instruments. Applicant no.7 – Chandrakant Dhakne, cousin brother-in-law of the informant, who was serving in Cyber Crime Branch, Pune Police, threatened the informant with a view to prevent her from going public about her illtreatment. It has further been alleged that on 17.11.2015, there was a function of opening of her husband's medical clinic. On that day, the in-laws driven her out of the house. She was not allowed to attend the said function. Her relations were also driven away. It has further been averred that in January, 2016, the informant along with her parents and maternal uncle had been to Aurangabad to attend marriage ceremony of one of their relations. The applicant nos.5, 7 and 8 and the mother-in-law of were present in the said marriage. They picked up quarrel with her over her attending the said marriage. They abused her there and turned her away. It has further been averred that the parents-in-law of the informant suspected her to have lodged a complaint against her father-in-law for an offence under Pre-Conception and Pre-Natal Diagnostic Techniques Act. Her father-in-law is Medical Practitioner. It has further been averred that

in August, 2017, the informant was relieved of her *Stridhan* and driven out of her matrimonial home.

3. It has further been averred that in January, 2020, she along with her father, his friend and the maternal uncle had been to her matrimonial home to extend invitation of her sister's marriage. They were abused and driven out of the house. It has further been averred that the informant was serving as Medical Officer in the hospital of Saibaba Sansthan, Shirdi. The informant had been to Kopargaon as it was birthday of her husband on 07.12.2021. At that time, her mother-in-law, sisters-in-law, husband and even cousin sister-in-law and husband's friend abused and driven her out of their house. The statements of relations of the informant are on the lines of the averments in the FIR.

4. Learned APP and learned counsel for the informant would submit that the averments in the FIR and the statements of witnesses, *prima facie*, make out a case to proceed against the applicants. They would further submit that there are statements recorded under Section 164 of the Code of Criminal Procedure. Section 506 of Indian Penal Code has also been invoked. Learned counsel took us through the FIR to ultimately

urge for rejection of the application.

5. Considered the submissions advanced by learned counsel for both sides. Perused the FIR and related papers.

6. The informant and her husband (applicant no.1) are medical practitioners. Their marriage took place in February, 2015. Applicant nos.1, 2 and 4 already withdrew their application. The informant/wife has no grievance against her father-in-law (applicant no.3). Applicant nos.5 to 9 are the distant relations of the husband of the informant. Even, the informant's friend (applicant no.10) has not been spared. Section 498-A of Indian Penal Code cannot be invoked against him.

7. The averments in the FIR indicate that the informant-wife has been staying at her parental house since August, 2017. The FIR has been lodged about four and half years after she had been moved away from her matrimonial home. Admittedly, she is well educated. According to her, it was August, 2017 itself, when she was relieved of her *Stridhan*.

Still, she kept quiet over four and half years, which speaks in volume about veracity of the allegations in the FIR. Further incidents namely, post informant-wife left her matrimonial home, are stated to be stray. First such incident is said to have taken place in January, 2020, while the informant along with her father and his friend had been to her matrimonial home to extend invitation of marriage of his sister. Next such incident is said to have taken place on 07.12.2021, when it was birthday of her husband. The informant claimed to have been to her matrimonial home on account of it being birthday of her husband. That time, she was abused and manhandled. Over the said incident, she has already lodged a police report at Kopergaon Police Station on the next day. As such, admittedly, the applicants and respondent-wife had no occasion to have stayed together post she left the matrimonial home.

8. The informant/wife has no grievance against her father-in-law (applicant no.3). Applicant nos.5 to 9 are distant relations of the husband. Applicant no.5 is the husband of sister-in-law. Applicant no.6 is grand mother-in-law (mother of

the mother-in-law), aged about 82 years. Applicant no.7 is cousin of the informant's husband. Applicant nos.8 and 9 are the husband's paternal uncle and maternal aunt, while applicant no.10 is friend.

9. Close reading of the FIR and the statements of the witnesses suggest that the allegations made against the applicants herein are vague, general and omnibus. Directing these applicants to stand trial based on such material would be an abuse of the process of court. We are, therefore, inclined to allow the applications.

10. In the result, the application is allowed in terms of prayer clause (B) qua applicant nos.3 and 5 to 10. The FIR being Crime No.0051 of 2022, registered with Tophkhana Police Station, Ahmednagar, for the offences punishable under Sections 498-A, 323, 504 and 506 of Indian Penal Code and the consequential proceedings, i.e. R.C.C. No.702 of 2022, qua applicant nos.3 and 5 to 10, are quashed.

[SANJAY A. DESHMUKH, J.]

[R.G. AVACHAT, J.]

KBP