

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

1025 CRIMINAL APPLICATION NO.1747 OF 2023

1. Pooja Pranil Bankar
Age : 32 years, Occu : Household,
 2. Pranil Sahebrao Bankar
Age : 34 years, Occu : Business,
- Both R/o. Near Barhale Hospital,
Itkheda, Paithan Road,
Aurangabad, Dist. Aurangabad ... Applicants

Versus

1. The State of Maharashtra
2. Ashwini Vijay Madan
Age : 25 years, Occu : Household,
R/o. Jijau Residency, Ganpati Nagar,
Gokuldharm road, Near Indewadi
water tank, Jalna, Dist. Jalna
At present R/o. Satarkar Nagar,
Old Jalna, Dist. Jalna .. Respondents

...

Advocate for Applicants : Mr. Amarjeet V. Patil
APP for Respondent / State : Mr. M. M. Nerlikar
Advocate for Respondent No.2 : Mr. Y. R. Shinde & Mr. M. M. Tade

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**CORAM : R. G. AVACHAT AND
NEERAJ P DHOTE, JJ.**

DATE : OCTOBER 26, 2023

PER COURT :

. Heard.

2. This application has been filed for quashing of the FIR

bearing Crime No.408/2022 registered with Taluka Jalna Police Station, Dist. Jalna dated 25.06.2022 for the offences under Sections 498-A, 323, 504, 506 r/w. Sec. 34 of the Indian Penal Code, Sections 3 and 4 of Dowry Prohibition Act and consequential criminal proceeding bearing R.C.C. No.800/2022.

The prosecution story in a nutshell is as under:

3. Applicant no.1 is married sister-in-law of the respondent no.2, whereas the applicant no.2 is the husband of applicant no.1. Respondent no.2 married to co-accused Vijay in May-2020. After marriage, she went for cohabitation at matrimonial home at Jalna. She started residing along with her parents-in-law and brother-in-law. She was treated well initially for two months and thereafter accused Vijay started harassing and ill treating her suspecting her character. She told parents-in-law and brother-in-law about the harassment being caused by the accused Vijay, but instead of making him understand they advised her to maintain good relations with him. The same is the case about the applicants before this Court. It has been averred in the FIR that respondent no.2 informed the applicants about ill-treatment and harassment at the instance of the accused – Vijay, but they instead of convincing him abused her. It has further

been averred that the co-accused Vijay and all his relatives demanded Rs.Ten Lakh from her for purchase of a car. They abused her and driven her out of the house. Then, the instant FIR came to be lodged. After investigation, the charge-sheet has been filed and the statements of paternal relatives of respondent no.2 have been recorded.

4. Learned advocate for the applicants would submit that the applicants had even not attended the marriage of respondent no.2. The applicants have been residing at Aurangabad and matrimonial home of respondent no.2 is at Jalna. The FIR is conspicuously silent as to when these applicants had been to Jalna and harassed and ill-treated her. It is therefore urged to grant of the application.

5. Per contra, learned advocate for respondent no.2 and learned APP submit that statements of the respondent no.2 and her paternal relatives are consistent with the averments made in the FIR. They further submit that there is sufficient evidence on record to make out a case against the applicants and therefore prayed for

rejection of the application.

6. We have considered the submissions advanced by the rival parties. Perused the FIR and the documents placed on record. The applicant no.1 is the married sister-in-law of respondent no.2 and applicant no.2 is the husband of applicant no.1. Both the applicants are residing at Aurangabad and matrimonial home of respondent no.2 is at Jalna. No any incident has been stated in the FIR that these applicants had been to Jalna and harassed and ill treated respondent no.2. Perusal of the FIR and the statements of paternal relatives of the respondent no.2, it appears that only vague and omnibus allegations are levelled against the applicants. Having regard to these facts, we inclined to allow the application. Hence, the following order:

ORDER

(i) Application is allowed in terms of prayer clause 'B'.

[NEERAJ P. DHOTE, J.]

[R.G.AVACHAT, J.]

GGP