

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

CRIMINAL APPLICATION NO. 1736 OF 2021

1. Dhanraj Baban Malche
Age: 30 years, Occu.: Service,
2. Alkabai Baban Malche
Age: 46 years, Occu.: Household,
3. Baban Jangalu Malche
Age: 55 years, Occu.: Agri.,
4. Akshay Baban Malche
Age: 25 years, Occu.: Student,

All R/o At Post Deku Khurde,
Tq. Amalner, Dist. Jalgaon
5. Prateebha Sunil More
Age: 27 years, Occu.: Household,
R/o AT Post Jambhore, Tq. Dharangaon,
Dist. Jalgaon

..APPLICANTS

VERSUS

1. State of Maharashtra
Through Police Inspector
Dhule Taluka Police Station,
Dist. Dhule
2. Sonal Dhanraj Malche
Age: 23 years, Occu.: Household,
R/o c/o Nanabhau Dulsing Sonawane,
At Post Ner, Nadi Pailad Nur Nagar,
Ner, Tq. and Dist. Dhule

..RESPONDENTS

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Mr. C.V. Bhadane, Advocate for applicants
Mr. S.D. Ghayal, A.P.P. for respondent no.1 – State
Mr. U.S. Patil, Advocate for respective no.2

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**CORAM : SMT. ANUJA PRABHUDESSAI AND
R.M. JOSHI, JJ.**

DATE : 22nd FEBRUARY, 2023

PER COURT :

1. At the outset, learned counsel for the applicants seeks leave to withdraw the application on behalf of Applicant Nos.1, 2 and 3.
2. Leave granted. Criminal application stands withdrawn against the Applicant Nos.1, 2 and 3.
3. Heard finally at the admission stage with consent of learned counsel for the respective parties.
4. This application under Section 482 of Code of Criminal Procedure to quash the F.I.R. bearing C.R. No. 284 of 2021 registered with Dhule Taluka Police Station, Dist. Dhule and R.C.C. No. 699 of 2021 pending on the file of J.M.F.C., Dhule for the offences punishable under Sections 498-A, 406, 323, 504 and 506 read with Section 34 of the Indian Penal Code.
5. We have perused the record and considered the submission advanced by learned counsel for the respective parties. The only question for our consideration is whether the F.I.R. and other material, collected during the course of investigation which forms part of the charge-sheet, prima facie discloses cognizable offence as against the Applicant Nos. 4 and 5.

6. The records reveal that the marriage of Respondent No.2 and the Applicant No.1 was solemnized on 25th June, 2020. She filed the F.I.R. on 27th July, 2021 alleging that after the marriage, her husband and his parents treated her well for sometime and thereafter started demanding dowry. She has stated that her husband and his parents had told her to bring dowry from her parents. When she expressed inability of her parents to pay the money, they told her to bring the money from her maternal uncle, who is working in police department. She has also alleged that her mother-in-law has removed the gold ornaments and told her to get Rs.4 lakhs from her parents. The allegations in the F.I.R. are essentially against husband and his parents. In regard to the siblings of the Applicant No.1, apart from the bare statement that they taunted the Respondent No.2, there is no material on record to indicate that these applicants had either demanded dowry or they had subjected her to physical or mental cruelty within the meaning of Clause (a) and (b) to the Explanation to Section 498 I.P.C.

7. Having gone through the entire record in our considered view, the allegations in the F.I.R. and other material on record do not disclose any cognizable offence against the Applicant Nos.4 and 5. In the circumstances, compelling them to face criminal trial would be an abuse of the process of law.

8. In the result, criminal application is allowed in terms of prayer clauses (B) and (BB). Consequently, the F.I.R. bearing C.R. No. 284 of 2021 registered with Dhule Taluka Police Station, Dist. Dhule and R.C.C. No. 699 of 2021 pending on the file of J.M.F.C., Dhule for the offences punishable under Sections 498-A, 406, 323, 504 and 506 read with Section 34 of the Indian Penal Code, stand quashed qua Applicant Nos. 4 and 5.

(R.M. JOSHI, J.)

SSD

(SMT. ANUJA PRABHUDESSAI, J.)