

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

**CRIMINAL APPLICATION NO. 3151 OF 2022**

1. Tukaram Rajaram Dugane  
(withdrawn vide order dt. 17/11/2022)
2. Shantabai Tukaram Dugane  
(withdrawn vide order dt. 17/11/2022)
3. Renuka Raghunath Kanwate  
Age: 37 years, Occu.: Household,  
R/o Pradhan Sangavi,  
Tq. Kinwat, Dist. Nanded
4. Raghunath Digambar Danwate  
Age: 39 years, Occu.: Agri.,  
R/o As above
5. Sunita Tatyrao Pawar  
Age: 40 years, Occu.: Household,  
R/o Patharad, Tq. Hadgaon,  
Dist. Nanded
6. Tatyrao @ Balaji Ramji Pawar  
Age: 44 years, Occu.: Agri,  
R/o As above
7. Madhav Tukaram Dugane  
Age: 31 years, Occu.: Labour,  
R/o Bori Tq. Umarkhed,  
Dist. Yavatmal
8. Nishweta Madhav Dugane  
Age: 26 years, Occu.: Household,  
R/o As above

..APPLICANTS

VERSUS

1. State of Maharashtra  
Through it's Police Inspector,  
Himayatnagar Police Station,  
Tq. Himayatnagar, Dist. Nanded

2. Manisha Satish Dugane  
Age: 25 years, Occu.: Household,  
R/o Bori, Tq. Umarkhed,  
Dist. Yavatmal  
At present R/o Janta Colony,  
Himayatnagar, Tq. Himayatnagar,  
Dist. Nanded

..RESPONDENTS

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Mr. R.R. Shaikh, Advocate for applicants  
Mr. S.D. Ghayal, A.P.P. for respondent no.1 – State  
Mr. R.B. Dhaware, Advocate for respective no.2  
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**CORAM : SMT. ANUJA PRABHUDESSAI AND  
R.M. JOSHI, JJ.  
DATE : 13<sup>th</sup> FEBRUARY, 2023**

**PER COURT :**

1. Learned counsel for the applicants and Respondent No.2 have stated that there is no possibility of an amicable settlement. Hence, with consent, heard finally at the stage of admission.

2. This is an application under Section 482 of Code of Criminal Procedure to quash the F.I.R. bearing C.R. No. 188 of 2022 registered with Himayatnagar Police Station, Dist. Nanded for the offences punishable under Sections, 498-A, 323, 504 and 506 read with Section 34 of the Indian Penal Code.

3. The marriage of Respondent No.2 and Satish Dugane was solemnized on 30<sup>th</sup> April, 2019. They have a son from the said wedlock. The

Respondent No.2 lodged the F.I.R. on 09<sup>th</sup> August, 2022 alleging that her husband had treated her well for about 4 to 6 months and thereafter started quarreling with her over trivial issues. He told her that he had married her only at the insistence of and for the sake of his parents. When she informed her parents-in-law (Applicant Nos. 1 and 2, who have withdrawn the application vide order dated 17<sup>th</sup> November, 2022) about the same, they abused and assaulted her. She claims that whenever married sisters and brother of her husband and their spouses visited her matrimonial home they would taunt her that she is unable to do household chores and expressed their displeasure towards her. She claimed that her husband had demanded Rs.2 lakhs from her parents to set-up a shop. Respondent No.2 has alleged that when her mother expressed her inability to meet the said demand, in the month of December, 2020, her husband and his relatives dropped her at her parent's home with instructions to return only on arranging Rs.2 lakhs. Based on these allegations, the aforestated crime came to be registered against the husband of Respondent No.2 and his relatives for committing the aforestated offences.

4. Learned counsel for the applicants states that the applicants, who are the married sisters-in-law and brothers-in-law and their spouses, reside at a different place. There are no specific allegations against them that they have subjected the Respondent No.2 to physical and mental cruelty. He

submits that in the absence of such allegations, compelling the applicants to face a criminal trial will be an abuse of the process of Court. He further submits that the Respondent No.2 is a resident of Bori and as such crime could not have been registered at Himayatnagar.

5. *Per contra*, learned counsel for the Respondent No.2 states that Respondent No.2 has specifically alleged that whenever these applicants visited the matrimonial home of the Respondent No.2, they would abuse, assault and threaten the Respondent No.2. He submits that there are specific allegations of physical and mental cruelty as against these applicants and hence this is not a fit case to exercise powers under Section 482 of Cr.P.C.

6. Learned A.P.P. submits that at the relevant time the Respondent No.2 was residing at Himayatnagar and therefore, there is no merit in the contention that Himayatnagar Police Station had no jurisdiction to register or investigate the crime. Learned A.P.P submits that the F.I.R. disclosed that the Respondent No.2 has been subjected to physical as well as mental cruelty. Hence, the proceedings cannot be quashed under Section 482 Cr.P.C.

7. We have perused the record and considered the submissions advanced by learned counsel for the respective parties. It is to be noted that Applicant Nos. 1 and 2, who are the parents-in-law of Respondent No.2, have withdrawn the application. Applicant Nos. 3 and 5 are the married sisters-in-

law and Applicant No.7 is the brother-in-law of the Respondent No.2 and Applicant Nos.4, 6 and 8 are their respective spouses. It is not in dispute that these applicants do not reside in the matrimonial home of the Respondent No.2. The only allegation against the applicants is that whenever they came to the matrimonial home of Respondent No.2, they subjected her to mental cruelty over trivial issues. There are no specific allegations against these applicants that they had demanded dowry or they had subject the Respondent No.2 to cruelty for not meeting the said demand. The accusations levelled against these applicants do not constitute 'cruelty' within the meaning of Clauses (a) or (b) of Explanation to Section 498-A I.P.C.

8. It may be mentioned that in the case of ***Kahakashan Kausar @ Sonam and Ors. Vs. State of Bihar and Ors, (2022) 6 SCC 599***, the Hon'ble Supreme Court has expressed concern over the misuse of Section 498-A I.P.C. and increased tendency of implicating relatives of the husband in matrimonial disputes, without analysing the long term ramifications of a trial on the complainant as well as the accused. It is held that false implication by way of general omnibus allegations made in the course of matrimonial dispute, if left unchecked would result in misuse of the process of law. The Apex Court has, therefore, warned the Courts from proceeding against the relatives and in-laws of the husband when no prima facie case is made out against them.

9. The present case is one of such cases wherein all the relatives of the husband are dragged in the matrimonial dispute without there being specific allegations against them for subjecting the Respondent No.2 to cruelty within the meaning of Clause (a) or (b) of explanation to Section 498-A I.P.C. In the absence of such material, subjecting these applicants to face criminal trial will be an abuse of the process of Court. Hence, in our considered view, this is a fit case to exercise discretion under Section 482 Cr.P.C. to prevent the abuse of the process of Court.

10. In the result, criminal application is allowed in terms of prayer clause (B). Consequently, the F.I.R. bearing C.R. No. 188 of 2022 registered with Himayatnagar Police Station, Dist. Nanded for the offences punishable under Sections, 498-A, 323, 504 and 506 read with Section 34 of the Indian Penal Code stands quashed qua Applicant Nos. 3 to 8.

11. Fees of Mr. R.B. Dhaware, learned counsel, appointed to represent Respondent No.2 is quantified to Rs.6,000/- (Rupees Six Thousand) to be paid by High Court Legal Services Sub-Committee, Aurangabad.

( R.M. JOSHI, J. )

SSD

( SMT. ANUJA PRABHUDESSAI, J. )