

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

50 CRIMINAL APPLICATION NO.3630 OF 2022

SUNIL HANUMAN SHINDE AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

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Advocate for Applicants : Mr. V P Savant
APP for Respondent 1 : Mr. A R Kale
Advocate for Respondent 2 : Mr. B R Sable

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CORAM : SMT. ANUJA PRABHUDESSAI & R. M. JOSHI, JJ.
Dated: February 20, 2023

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PER COURT :-

1. At the outset, learned counsel for the applicants seeks leave to withdraw the application as against applicant no.1- Sunil s/o Hanuman Shinde.
2. Leave granted. Application is dismissed as withdrawn as against applicant no.1.
3. With consent of parties, heard finally at admission stage.
4. By this application filed under section 482 of the Criminal Procedure Code, the applicants have sought to quash the criminal proceeding bearing RCC No.416 of 2022 pending before the JMFC, Beed initiated on the basis of Crime No.86 of

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2022 registered with Shivajinagar Police Station, District Beed under sections 498-A, 323, 504, 506 r/w 34 of the IPC.

5. Heard learned counsel for the applicants, learned APP for respondent no.1-State and learned counsel for respondent no.2. Perused the record and considered the submissions advanced by the learned counsel for respective parties.

6. The only question for consideration is, whether the FIR and other material on record prima facie discloses cognizable offence as against applicant nos.2 and 3.

7. The aforesaid crime was registered pursuant to the FIR lodged by respondent no.2. She has alleged that is a widow and she has a 14 year old daughter from her first marriage. She claims that applicant no.1 had assured that he would take care of her and her minor daughter. She further states that her marriage with applicant no.1 was solemnised on 18.12.2020 at Beed. She claims that after marriage, applicant no.1 treated her well for some while and thereafter he left for Pune. In March, 2021 applicant no.1 performed second marriage with one Anjali Bhandare, at Pune. When respondent no.2 questioned him about second marriage, applicant no.1
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assaulted, abused and threatened her. She stated that applicant no.1 refused to maintain her and her daughter and whenever she questioned him, he would to beat and abuse her. Respondent no.2 further claims that when she had visited applicant no.1's village and informed the said fact to applicant nos.2 and 3 being mother and brother of her husband, they assaulted her. She claims that on the contrary they demanded a sum of Rs.1,00,000/-. They did not allow her to enter into the matrimonial home to convince applicant no.1 to maintain her and her daughter.

8. A perusal of the FIR prima facie reveals that the allegations of cruelty are essentially against the husband i.e. applicant no.1. The only allegation against applicant nos.2 and 3 is that they had demanded Rs. One Lakh to convince the applicant no.1 to maintain her and daughter. This cannot be construed as a demand for dowry. Apart from this statement, there is no prima facie material to indicate that the applicant nos.2 and 3 had demanded dowry or subjected respondent no.2 to cruelty within the meaning of clause (a) and (b) to Explanation the Section 498-A of the IPC. Hence, even if the allegations in the FIR and other material on record are aaa/-

accepted in their entirety, the same do not make out any cognizable offence against these applicants. Under the circumstances, the application is allowed in terms of prayer clause 'B' qua these applicants. Consequently, Crime No.86 of 2022 registered with Shivajinagar Police Station, Beed, District Beed and RCC No.416 of 2022 pending on the file of learned JMFC, Beed are hereby quashed qua the applicant nos.2 and 3.

(R. M. JOSHI, J.)

(SMT. ANUJA PRABHUDESSAI, J.)

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