

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 3163 OF 2021

1. Pandit S/o Ramrao Suryawanshi
age 60 years, occ. Retired.
2. Sunandabai w/o Pandit Suryawanshi
age 50 years, occ. Housewife

Applicants No. 1 and 2 r/o Government Ashram
School, Walthan, Tq. Chalisgaon
Dist. Jalgaon.

3. Yogesh s/o Pandit Suryawanshi
age 30 years, occ. Police Constable.
r/o Padegaon, Flat No. A-21,
Impact Trade Centre, Aurangabad.

Applicants

Versus

1. The State of Maharashtra
Through Investigating Officer
Shirpur City Police Station
Tq. & Dist. Dhule.
2. Chandani w/o Sachin Suryawanshi
age 30 years, occ. Household
r/o Plot No. 33, Gajanan Colony
Kesharkunj, Near Karwand Naka
Shirpur, Tq. Shirpur
Dist. Dhule

Respondents

Mr. N. B. Narwade, Advocate for the applicants.
Mr. P. G. Borade, APP for the State.
Mr. U. M. Maske, Advocate for respondent No. 2.

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

DATE : 7th JANUARY, 2023.

JUDGMENT :

1. This is an application under Section 482 of the Code of Criminal Procedure to quash the First Information Report being Crime No. 347/2021 registered with Shirpur Police Station, District Dhule, and consequent criminal proceedings being RCC No. 12/2022 pending on the file of learned Judicial Magistrate First Class, Shirpur, Dist. Dhule for the offences punishable under Sections 498-A, 406, 323, 504, 506 read with Section 34 of the Indian Penal Code.

2. Heard learned counsel for the applicants, learned APP for the State and learned counsel for respondent No. 2. Perused the record and considered the submissions advanced by learned counsel for the respective sides.

3. The aforesaid crime was registered pursuant to the First Information Report lodged by respondent No. 2. The marriage of respondent No. 2 and the son of applicants No. 1 and 2 was solemnised in the month of May, 2014. The husband of respondent No. 2 is a Police Constable and was posted in Kalyan, Mumbai. Respondent No. 2 resided in her matrimonial home for about six months and thereafter started residing with her husband at Kalyan,

Mumbai. Respondent No. 2 has alleged that her husband used to assault her under the influence of alcohol. The First Information Report reveals that the relations between respondent No. 2 and her husband were strained. She has alleged that her husband used to assault her and that she had informed her father about the same. First Information Report further reveals that applicants No. 1 and 2 and other family members had gone to Kalyan and tried to settle the dispute between respondent No. 2 and her husband.

4. First Information Report further reveals that the husband of respondent No. 2 had borrowed Rs. 7,00,000/- from the father of respondent No. 2 to purchase a house. It is further alleged that in December 2020, the husband of respondent No. 2 assaulted her since her father had asked him to repay the borrowed money. She claims that her husband had removed all her gold ornaments and sent her to her parental home.

5. On 12th January, 2021, at about 2.00 pm, the husband of respondent No. 2, applicants and some other family members came to her parental home. It is alleged that the present applicants and other family members abused her father in filthy words and her

husband demanded Rs. 2,00,000/- from her father. It is alleged that applicants No. 1 and 2 had also insisted that demand made by husband of respondent No. 2 should be met.

6. It is pertinent to note that the marriage of respondent No. 2 and the son of applicants No. 1 and 2 was solemnised in the year 2014. The complaint is lodged in the year 2021. The only accusation against these applicants is that they had abused the father of respondent No. 2. These allegations are general in nature. It is also alleged that these applicants used to complain that respondent No. 2 was not doing household work and she was unable to cook well. These accusations would not constitute offence under Section 498-A of the Indian Penal Code.

7. The nature of accusations, even if taken in their entirety, do not constitute offence as alleged in the First Information Report. In such circumstances, continuation of criminal proceedings against these applicants would be abuse of process of Court. Hence, the application is allowed in terms of prayer clauses 'B' and 'B1'. Consequently, First Information Report being Crime No. 347/2021 registered with Shripur Police Station, Dist. Dhule, and RCC No.

12/2022 pending on the file of learned Judicial Magistrate First Class, Shirpur, Dist. Dhule, is quashed qua these applicants.

8. Fees of the appointed counsel is quantified at Rs. 6,000/-.

(R. M. JOSHI)
Judge

(SMT. ANUJA PRABHUDESSAI)
Judge

dyb