

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO.3265 OF 2021

Hiralal s/o Shivaji Barde & ors. ... **APPLICANTS**

VERSUS

The State of Maharashtra & anr. ... RESPONDENTS

Mr. S.E. Shekade, Advocate for applicants
Mr. P.G. Borade, A.P.P. for respondent No.1.
Mr. A.R. Gaikwad, Advocate for respondent No.2.

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

DATE : 22nd FEBRUARY, 2023

P.C. :

At the outset, learned counsel for the applicants seeks leave to withdraw the application on behalf of applicant No.1 – husband of respondent No.2. Leave granted. The application stands dismissed as withdrawn as against applicant No.1.

2. Learned counsel for the applicants seeks leave to amend prayer clause (B) as to incorporate R.C.C. Number. Leave granted. Amendment to be carried out forthwith.

3. With consent of learned counsel for the parties, taken up for final disposal at admission stage.

4. This is an application under Section 482 of the Code of Criminal Procedure to quash the First Information Report bearing Crime No.273/2020, registered with Peth Beed Police Station, and the consequential R.C.C. No.127/2021, pending on the file of learned Judicial Magistrate, First Class, Beed for the offences punishable under Sections 498-A, 323, 504, 506, 507 read with Section 34 of the Indian Penal Code.

5. Heard learned counsel for the applicants No.2 to 5, learned A.P.P. for the State and learned counsel for respondent No.2. We have perused the records and considered the submissions advanced by learned counsel for the respective parties.

6. The records reveal that the marriage of respondent No.2 and the applicant No.1 was solemnized on 2/7/2014. They have a child from the said wedlock. The respondent No.2 lodged the F.I.R. on 7/10/2020, alleging that her husband and in-laws had treated her well for some while and that thereafter they started harassing her. She has stated that her husband

and in-laws had demanded sum of Rs.5,00,000/- for purchase of tractor. She has stated that when she expressed that her parents were unable to pay the amount, her husband and the in-laws abused and threatened her. It is stated that, they did not allow her to join her matrimonial home in view of inability to pay the said amount.

7. The F.I.R. prima facie reveals that the specific allegations of demand of dowry are essentially against the husband. The allegations against the in-laws are omnibus. Suffice it to say that these applicants No.2 to 5 who are the family members of applicant No.1 cannot be subjected to criminal prosecution on such unfounded allegations.

8. Having considered the entire material on record, in our considered view, the F.I.R. and the other records do not disclose cognizable offence as against applicants No.2 to 5. Hence this would be a fit case to exercise powers under Section 482 of the Code of Criminal Procedure to prevent abuse of the Court.

9. In the result, the application is allowed to the extent of applicants No.2 to 5. The First Information Report bearing

Crime No.273/2020, registered with Peth Beed Police Station, and the consequential R.C.C. No.127/2021, pending on the file of learned Judicial Magistrate, First Class, Beed for the offences punishable under Sections 498-A, 323, 504, 506, 507 read with Section 34 of the Indian Penal Code quashed qua applicants No.2 to 5.

(R. M. JOSHI, J.)

(SMT. ANUJA PRABHUDESSAI, J.)

fmp/-