

2. The First Information Report (for short 'FIR') is registered at the instance of Respondent No.2. It is alleged that engagement ceremony was performed on 20th November 2022. Expenses were incurred by Complainant's father. Thereafter marriage was solemnized on 9th March 2023. Complainant joined the matrimonial home. The Complainant noticed that her husband/applicant No.1 was using spectacles which fact was not disclosed to her. The ornaments and passport of the complainant were kept by the accused with them in locker. Applicant No.1 quarreled with the Complainant on 21st April 2023. She was left at her parental home. For about one month applicant No.1 did not respond to Complainant. She came to matrimonial home. There were quarrels between accused and complainant. She was taunted and harassed. On 25th May 2023 the applicant No.1 hugged a girl. She questioned him. There was quarrel. Parents of applicant No.1 supported him. She was assaulted by applicant No.1. There was meeting between relatives of both sides. Complainant left for parental home with her father. On 26th June 2023, the complainant apologised to applicant No.1 and showed willingness to return to matrimonial home. Applicant No.1 refused to take complainant to his house. There were attempts to resolve differences. On 17th June 2023 the Complainant and her father met brothers of her father in

law. They were informed that they should adopt legal measures as applicants are not willing to accept complainant. On 19th June 2023, the complainant and others visited house of accused and collected her ornaments and passport and returned to her parents house. Complainant was shocked due to behaviour of accused. She was required to take psychiatric treatment.

3. Learned Advocate for the applicant submitted that the complainant was residing at the matrimonial home for a period of three months after the marriage. The allegations are false. Even assuming the allegations to be true, the same does not constitute an offence under Section 498-A of IPC. There was no demand of dowry. The complainant has referred to some quarrels which would not constitute mental cruelty. She stayed at matrimonial home for short period. The Respondent No.2 was not happy about marrying applicant No.1. This is evident from conversation between applicant No.1 and Respondent No.2.

4. Learned A.P.P. submitted that the investigation is in progress. Role has been ascribed to the accused in the FIR.

5. Learned counsel for Respondent No.2 submitted that there is sufficient evidence against the applicant to prosecute them for the offences under Sections 498-A, 323 r/w Section 34 of IPC. In the

FIR details are provided by the complainant about nature of harassment caused to her by the accused. Role has been ascribed to all the applicants. There was suppression of the fact that applicant No.1 cant see without glasses. The Respondent No.2 was not allowed to attend family functions of her family. The controlling behaviour of accused caused mental harassment to Respondent No.2. Conversation ensued between the parties is annexed to the reply. It is submitted that the statements of other witnesses are recorded during the course of investigation. At this stage the FIR should not be quashed. The Investigating Agency must be permitted to conduct the investigation.

6. On perusal of the FIR, it can be seen that the allegations against applicant Nos.2 and 3 are vague. No offences are made out against them. The marriage was solemnized on 9th March 2023. Within short span of time the complainant has left the matrimonial home. Complainant had collected ornaments and her passport from matrimonial home. We do not find any evidence against the applicant Nos.2 & 3. However, considering the nature of the allegations against applicant No.1, we are not inclined to quash the FIR against him.

ORDER

- i. Criminal Application No.1109 of 2023 is partly allowed;
- ii. The FIR dated 3rd July 2023 registered with Kothrud Police Station, Pune City vide C.R. No.151 of 2023 for offences under Sections 498-A, 323, r/w Section 34 of IPC is quashed qua Applicant Nos.2 & 3.
- iii. The prayer for quashing the FIR as far as the Applicant No.1 concerned is rejected.
- iv. Application stands disposed of accordingly.

(N. R. BORKAR, J.)

(PRAKASH D. NAIK, J.)