



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

**CRIMINAL APPLICATION (APL) NO. 303 OF 2022**

1. Prashant s/o Mohan Nimje  
Aged 31 years, Occ.: Nil,
  2. Shri Mohan s/o Upasrao Nimje  
Aged 62 years, Occ.- Retired
  3. Sau. Yashoda w/o Mohan Nimje  
Aged 58 years, Occ.: Service
- All are R/o. Plot No.27, Manohar Vihar Colony,  
Hajari Pahad, Nagpur – 440007
- } ... Applicants

**Versus**

1. State of Maharashtra,  
Through PSO Kalamna Police Station,  
Nagpur.
  2. Shivani w/o Prashant Nimje  
Aged 23 years, Occ. Nil,  
R/o. C/o. Shri Ramesh Hedao,  
Plot No.28/A, Gangabag Durga Chowk,  
Pardi, Nagpur
- } ... Non-applicants

Mrs. Smita Taksande, Advocate for applicants.

Mr. S.S. Doifode, APP for non-applicant No.1.

Mr. A.K. Madne, Advocate for non-applicant No.2.

**CORAM : VINAY JOSHI, AND**  
**VALMIKI SA MENEZES, JJ.**

**DATE : 17.08.2023.**

**ORAL JUDGMENT: (PER: Vinay Joshi, J)**

Heard. **Admit.** Heard finally by consent of both the  
learned counsel for the parties.

(2) This is an application seeking to quash FIR as well as charge-sheet relating to Crime No.853/2018 registered with Police Station Kalamna, Nagpur, for the offence punishable under Section 498-A, 377 of the Indian Penal Code read with Section 4 of the Dowry Prohibition Act, 1961, and related Regular Criminal Case No.1932/2019 pending on the file of 15<sup>th</sup> Joint Civil Judge and Judicial Magistrate First Class, Court (Special Court for Women) Nagpur.

(3) Applicant No.1 is husband whilst applicant Nos.2 & 3 are father-in-law and mother-in-law of informant lady. It is their contention that the allegations made in the FIR as well as police papers does not make out a *prima facie* case to put them on trial. According to applicants, the allegations are vague as well as they did not find place in prior proceedings between the parties.

(4) With the assistance of both sides, we have examined FIR as well as related case papers. The couple got married on 11.11.2017. Mr. Madne, learned counsel for non-applicant No.2, on the other hand, seriously contested this application, as regards to the applicant No.1-husband. He would submit that there was continuous

monetary demand as well as the informant lady was mentally and physically harassed.

(5) At the time of hearing, we have expressed our non-inclination to consider the prayer as regards to the applicant No.1-husband. At this stage, the applicants' learned counsel seeks for withdrawal of this application to the extent of husband only. In view of said submission, we have not considered the case of applicant No.1-husband since, his application stands withdrawn.

(6) As regards to rest of the applicants are concerned on careful examination, besides a general statement against mother-in-law there is nothing to specify her act. There are no material allegations against her which can be treated as matrimonial harassment. Besides that there is an omnibus allegation that mother-in-law as well as sister-in-law have abused her and raised monetary demand. On the same set of facts, already trial Court has discharged the sister-in-law, which is informed by the applicants' learned counsel. Thus, besides general allegations there is nothing against the mother-in-law. As regards to applicant No.2-father-in-law is concerned, entire report is totally silent about even existence of father-in-law in the

house. Therefore, the prosecution to the extent of parents-in-law is untenable for want of *prima facie* case. In view of that, we are inclined to exercise our inherent powers to the extent of parents-in-law only. Hence, the following order:

### **ORDER**

- (i) Application is allowed.
- (ii) Application as regards to applicant No.1-husband namely Prashant s/o Mohan Nimje, stands disposed since withdrawn.
- (iii) We hereby quashed and set aside the FIR as well as charge-sheet relates to applicant No.2-Mohan s/o Upasrao Nimje and applicant No.3-Yashoda w/o Mohan Nimje, relating to Crime No.853/2018 registered with Police Station Kalamna, Nagpur, for the offence punishable under Section 498-A, 377 of the Indian Penal Code read with Section 4 of the Dowry Prohibition Act, 1961, and related Regular Criminal Case No.1932/2019 pending on the file of 15<sup>th</sup> Joint Civil Judge and Judicial Magistrate First Class, Court (Special Court for Women) Nagpur.

[VALMIKI SA MENEZES, J.]

[VINAY JOSHI, J.]

*Prity*