

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CRIMINAL APPLICATION (APL) NO.1451 OF 2022

APPLICANTS : 1 Mr. Shreyas Narendra Bhonge,
Age- 30 Yrs., Occu- Service.

2 Mrs. Nalini W/O Narendra Bhonge,
Age- Major 50 years, Occu-
Household

3 Mr. Himanshu Narendra Bhonge,
Age Major 26 years, Occu- Service

All Applicant no-1 to 3 R/O Flat no-
101, Vyankatgiri, kanchanganga
society, Vanadongri, Hingna road,
Nagpur.

..VERSUS..

NON-APPLICANTS : 1 State of Maharashtra, Through P.S.O.
Police Station Sewagram, Dis-
Wardha.

2 Mrs. Monali W/O Shreyas Bhonge,
(Monali Kailasrao Sagar), Age-28 Yrs
Occu- Service, R/O- Ward no-1, In
front of hanuman temple, Sewagram,
Wardha.

Ms P. A. Mahashabde, Advocate for Applicants.
Mr S. S. Doifode, APP for Non-Applicant No.1/State.
Ms S. W. Chavan, Advocate for Non-Applicant No.2.

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

DATE : **11th JULY, 2023.**

ORAL JUDGMENT : (PER : VINAY JOSHI, J.)

. Heard.

2. By consent of the learned Counsel appearing for the parties, this Criminal Application is taken up for final hearing.

Admit.

3. This is an application seeking to quash the First Information Report (FIR) and charge-sheet arising out of Crime No.366 of 2022, registered with Sewagram Police Station, District Wardha, for the offence punishable under Sections 498-A and 506 read with Section 34 of the Indian Penal Code, 1860.

4. The applicants are husband, mother-in-law and brother-in-law of informant lady. It is applicants' contention that the allegations levelled in police report are totally vague, which do not constitute an offence of matrimonial cruelty. According to applicants, even after alleged separate residence, both stayed at Pune for some period, and thus, there was no

harassment at all. The applicants would submit that even during their separation, they had exchange of WhatsApp messages, which show that everything was smooth.

5. The informant lady aged 28 years has lodged a report with concerned Police Station. It is her case that in the year 2018, she got acquainted with applicant No.1 through Facebook. Intimacy was developed, which was culminated into performing marriage on 20.06.2021. After marriage, non-applicant No.2 started to reside at her matrimonial house alongwith husband, mother-in-law and brother-in-law. She stated that both belongs to different community, and therefore, at the said instance, her mother-in-law used to taunt and humiliate her. Husband was also harassing her at the instance of her mother and brother. She stated that while she was pregnant, she was compelled to do hard work, which resulted into abortion of a child. It is informant's case that she was doing a job and was earning Rs.25,000/- per month. Particularly, her husband has taken her ATM card in his custody at the instance of his mother, brother and was not providing anything to her. Finally on 08.11.2021, applicant No.1 left the informant lady at

her matrimonial house, but never took her back. She has also put her grievance to Women's Grievance Redressal Cell. However, despite efforts, the matter was not settled, and therefore, the report.

6. The learned Counsel for the applicants would submit that even after 08.11.2021, the couple stayed at Pune for some days. In order to substantiate the contention, two photographs have produced, which are at Page 29 and 30. Though, the photographs were stated to be of dated 26.12.2021 and 08.01.2022, we have no mean to ascertain the date, when photographs were taken. According to applicants, in both photographs, the couple seems to be living in happy stage, but as it is a matrimonial dispute, even after separate residence, if they came together, visited some place under expectation of reunion, it does not mean that the story narrated by applicants is a false. It is a matter of evidence to ascertain the truthfulness of the contents of the complaint. During investigation, Police have recorded statement of some witnesses including neighbors. All of them have stated in one voice about the matrimonial quarrel and the acts of humiliation at the hands of

mother-in-law. This statement supports the case of informant. It is argued that the statement does not bear signatures of both persons, however, in terms of Section 162 of the Code of Criminal Procedure, the above submission is untenable.

7. This Court is invested with inherent powers, which are to be exercised in exceptional and befitting cases to secure the ends of justice and not to defeat the justice. The material placed on record *prima facie* makes a tribal case, which cannot be throttled, at its embryo stage. Having regard to above facts, we are not satisfied that the case made out by the Police is an abuse of the process of law.

8. In view of the above, the application carries no merits, hence it is **dismissed**.

(VALMIKI SA MENEZES, J.)

(VINAY JOSHI, J.)