



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

CRIMINAL APPLICATION NO. 668 OF 2022

Prashant Tanhaji Mapari and others .. Applicants

Versus

The State of Maharashtra and another .. Respondents

Ms. Sakshi A. Kale, Advocate for the Applicants.

Ms. P. V. Diggikar, A.P.P. for the Respondent No. 1.

Shri R. L. Kute, Advocate for the Respondent No. 2.

**WITH
CRIMINAL APPLICATION NO. 716 OF 2022**

Shrikant Tanhaji Mapari and others .. Applicants

Versus

The State of Maharashtra and another .. Respondents

Ms. Sakshi A. Kale, Advocate for the Applicants.

Ms. P. V. Diggikar, A.P.P. for the Respondent No. 1.

Shri R. L. Kute, Advocate for the Respondent No. 2.

**CORAM : MANGESH S. PATIL AND
SHAILESH P. BRAHME, JJ.
DATE : 12 MARCH 2024.**

FINAL ORDER (Per Shailesh P. Brahme, J.) :-

. Heard both the sides finally.

2. Both applications are heard together. Accused-applicants are seeking quashment of first information report bearing CR No.

388/2020 dated 30.07.2020 of Loni Police Station, Tq. Rahata, Dist. Ahmednagar for the offence punishable U/Sec. 498-A, 406, 323, 504, 506 r/w Sec. 34 of the I. P. Code and Sec. 7 of the Dowry Prohibition Act, 1961.

3. Applicant No. 1/Prashant Tanhaji Mapari and applicant No. 2/Savita Tanhaji Mapari in Criminal Application No. 668 of 2022 and applicant No. 1/Shrikant Tanhaji Mapari in Criminal Application No. 716 of 2022 have already withdrawn applications to their extent.

4. Today, when we expressed our disinclination to grant any relief to applicant No. 3/Tanhaji Namdev Mapari in Criminal Application No. 668 of 2022 and applicant No. 2/Roopali Shrikant Mapari in Criminal Application No. 716 of 2022, learned counsel for the applicants seeks permission to withdraw the criminal applications to their extent. Criminal Application No. 668 of 2022 is disposed of as withdrawn. Criminal Application No. 716 of 2022 stands withdrawn to the extent of applicant No. 2/Roopali Shrikant Mapari.

5. We have to consider Criminal Application No. 716 of 2022 only to the extent of applicant No. 3/Pravin Tanhaji Mapari, who is brother-in-law of the respondent No. 2/informant.

6. The respondent No. 2 lodged a report on 30.07.2020 against her husband, parents-in-law and others including the applicant/Pravin. It is alleged that her marriage was solemnized

on 27.05.2017. At the time of marriage, the father-in-law and elder brother-in-law are alleged to have demanded Rs. 5,00,000/-. She was subjected to cruelty by all the accused persons for bringing the amount. Mother-in-law and wife of brother-in-law used to nag and insult her. She was asked to do all household chores and agricultural work also. Accused are alleged to have demanded golden ornaments after the marriage. The demand of dowry persisted and her father somehow managed to pay Rs. 1,00,000/-. In June 2019 she was driven out of the matrimonial house.

7. Learned counsel for the applicant No. 3/Pravin submits that he was residing at Pune, separately and not involved in any act. Allegations against him are vague. Due to the strained relationship of the informant with husband and other accused, he has been falsely implicated to seek vengeance. Learned counsel submits that no offence can be made out against him.

8. Learned Assistant Government Pleader as well as the learned counsel for the respondent No. 2 oppose the submissions of the applicant. It is submitted that specific role has been attributed against him. Informant was being tortured for bringing Rs. 5,00,000/- on various occasions mainly by the husband, mother-in-law, father-in-law and wife of the brother-in-law. The applicant No. 3 is said to have abetted the offence.

9. We have considered rival submissions of the parties. Applicant No. 3/Pravin Tanhaji Mapari is the brother-in-law of

the informant. First information report does not attribute specific role to the applicant No. 3. As against that, specific roles have been attributed to other accused persons. In all probabilities applicant No. 3 has been falsely implicated. We are guided by the principles laid down by the Apex Court in the matter of Kahkasha Kausar @ Sonam and others Vs. State of Bihar reported in *(2022) 6 SCC 599* and in the matter of Geeta Malhotra and another Vs. State of U. P. and another reported in *(2012) 10 SCC 741*.

10. We do not find *prima facie* case to proceed against the applicant. It would be exercise in futility to proceed against him. We, are therefore, inclined to allow the application to his extent.

11. The first information report bearing CR No. 388/2020 dated 30.07.2020 of Loni Police Station, Tq. Rahata, Dist. Ahmednagar for the offences punishable U/Sec. 498-A, 406, 323, 504, 506 r/w Sec. 34 of the I. P. Code and Sec. 7 of the Dowry Prohibition Act, 1961 is quashed to the extent of applicant No. 3/Pravin Tanhaji Mapari. The criminal application is disposed of.

[**SHAILESH P. BRAHME, J.] [**MANGESH S. PATIL, J.]****