



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

**CRIMINAL WRIT PETITION NO. 360 OF 2023**

1. Rameshwar S/o. Bharat Kedar
2. Bharat S/o. Ganpati Kedar
3. Lalita W/o. Bharat Kedar
4. Rohit S/o. Bharat Kedar
5. Dipali W/o. Nivruti Kendre .....Petitioners

Versus

1. The State of Maharashtra
2. Priyanka W/o. Rameshwar Kedar .....Respondents

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Advocate for Petitioners : Mr. Avinash Phad

APP for Respondent No. 1 : Mr. Kishor Hoke Patil

Advocate for Respondent No. 2 : Mr. Ashok A. Mundhe

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**CORAM : MANGESH S. PATIL &  
SHAILESH P. BRAHME, JJ.**

**DATE : 18 APRIL 2024**

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

1. Heard this matter finally at the admission stage.
2. After we expressed our disinclination to grant relief to petitioner no. 2, learned counsel for the petitioner seeks leave to withdraw the petition to the extent of petitioner no. 2. Already, petition

was withdrawn for petitioner nos. 1 and 3. Thus, petition is disposed of to the extent of petitioner nos. 1 to 3 and we now deal with petition to the extent of petitioner nos. 4 and 5.

3. Petitioners are seeking quashment of First Information Report bearing C.R. No. 54 of 2018 for the offences punishable under Section 498-A, 323, 406, 504, 506 read with 34 of the Indian Penal Code and consequential R.C.C. No. 3266 of 2021 pending before Chief Judicial Magistrate, Aurangabad.

4. Respondent no. 2 – Informant, got married on 18.12.2016 with petitioner no. 1 – Rameshwar and started residing at Khopoli, Taluka Khalapur, District Raigad, along with parents-in-law and brother-in-law who is petitioner no. 4. Petitioner no. 5 is a married sister-in-law who was residing at Pune with her husband, at the relevant time.

5. Respondent no. 2 lodged report contending that her marriage was performed by gifting petitioners various ornaments, utensils, gadgets and spending huge amount. A dowry of Rs. 1 Lakh was also given. Despite that, accused persons were not satisfied and were insulting her. It is alleged that informant was being insulted on household chores and she was being demanded Rs. 20 Lakh. She was threatened and even assaulted by her husband. She being earning

member was frequently asked money for the expenses by parents-in-law. Her feudality was also suspected.

6. It is alleged that informant was beaten up on many occasions by husband. She was constantly harassed on account of unlawful demands. Petitioner no. 5 picked up quarrel with the informant and abetted petitioner no. 1 – husband for not keeping physical relationship. Fixed deposit receipt of the informant was forcibly taken from her. It is further alleged that husband and father-in-law insisted informant to file suit claiming share in the property of her father. She was asked to bring ornaments.

7. Learned counsel for the petitioners submits that petitioner no. 5 did not share common shelter. There are no specific allegations against petitioner nos. 4 and 5. Informant made number of complaints and had tendency to implicate innocent family members. It is submitted that no case can be made out against petitioner nos. 4 and 5.

8. Learned APP and learned counsel for respondent no. 2 would oppose the submissions of the petitioner. They would submit that relevant material is collected during the course of investigation which would disclose complicity of the petitioner. There are specific allegations against petitioner nos. 4 and 5 in the FIR itself. It is further submitted

that this is not a fit case to exercise powers under Section 482 of the Cr.P.C. Respondent no. 2 relies on the affidavit-in-reply. He would submit that petitioner nos. 4 and 5 are not co-operating with the trial. It is further submitted that application for discharge filed by the petitioners was rejected on 17.10.2022.

9. I have considered submissions of the parties. I have also gone through relevant papers of investigation. Admittedly, respondent no. 4 is brother-in-law and respondent no. 5 is sister-in-law of the informant. First Information Report shows incriminating role against husband and parents-in-law. There are cursory allegations against petitioner nos. 4 and 5. Those are not specific. The statements recorded during the course of investigation also did not indicate complicity of the petitioners.

10. It is a matter of record that before registration of FIR informant approached Women Grievance Forum, on 14.03.2018. In that complaint also vague allegations were made against the petitioners. Petitioner no. 5 is a married sister-in-law and she resides at Pune. In all probability, implication of the petitioner nos. 4 and 5 by the informant is to wreck vengeance. In view of law laid down by Supreme Court in the matter of *Geeta Mehrotra and others Versus State of Uttar Pradesh and others*, (2012) 10 SCC 741 and *Kahkashan Kausar Versus State of*

*Bihar, (2022) 6 SCC 599*, we are of the considered view that it would be an abuse of process of law to proceed against them. We, therefore, pass following order :

**ORDER**

- i. Criminal Application is partly allowed.
- ii. FIR bearing no. 54 of 2018 registered with Police Station Khopoli, Taluka Khalapur, District Raigad, for the offences punishable under Sections 498-A, 323, 406, 504, 506 read with 34 of the Indian Penal Code and RCC No. 3266 of 021 pending before Chief Judicial Magistrate, Aurangabad, are quashed and set aside to the extent of petitioner nos. 4 and 5.

**[ SHAILESH P. BRAHME, J. ]**

**[ MANGESH S. PATIL, J. ]**