



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

CRIMINAL APPLICATION NO. 2395 OF 2023

1. Chayya W/o Ashok Chole,
Age: 47 Years, Occ. House wife,
R/o. Sy. No. 96/9, Morya Housing Society,
Chichwad, Walhekarwadi, Pune
City Pune
2. Neelam @ Pranali Raj Nagargoje,
Age : 42 Years, Occ. Pharmacist,
In Municipal Corporation, Navi Mumbai,
R/o. Flat No. 9/703, Plot No. 19 19 A,
Sector 11, Navi Mumbai, Thane. .. Applicants

VERSUS

1. The State of Maharashtra,
Through Police Inspector,
Police Station, Shivajinagar
Dist. Beed.
2. Aarti Satish Munde,
Age : 27 Years, Occ. Household,
R/o. Tadsonna Tq. Wadwani,
District Beed.
At present R/o. Behind Bhagwan
Vidhyalay, Govind Nagar, Beed. .. Respondents

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Advocate for the applicants : Adv. M.S. Karad h/f S.S. Thombre
A.P.P for Respondent No.1 State : Mr. V. K. Kotecha
Advocate for Respondent No.2 : Mr. S. R. Shirsat

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**CORAM : SMT. VIBHA KANKANWADI AND
ROHIT W. JOSHI, JJ**

DATED : DECEMBER 13, 2024

JUDGMENT (Per Rohit W. Joshi, J.):

1. The present application under Section 482 of the Code of

Criminal Procedure is filed challenging FIR bearing Crime No. 0295/2023 registered with Police Station Shivaji Nagar, District Beed for the offences punishable under Sections 498-A, 323, 504, 506 read with Section 34 of the Indian Penal Code and Regular Criminal Case No. 448 of 2023 pending on the file of learned Judicial Magistrate First Class Beed arising from the said criminal application.

2. The First Information Report is lodged by respondent No.2, who is wife of Satish Mundhe, who is son of brothers of applicants. The applicants are paternal-aunts-in-law of respondent No.2. The allegations in the First Information Report are that marriage of respondent no.2 with Satish was solemnized on 06.12.2019 and after a period of around two months from the marriage all the in-laws started harassing respondent No.2 asking her to meet demand of dowry of Rupees Ten Lakhs from her parents in order to enable her husband to buy a Refinery Maintenance Machine. Perusal of the FIR will demonstrate that as per respondent No.2, she had left the matrimonial house on 22.03.2022 due to constant harassment on account of demand of dowry. She states that the in-laws did not come to take her back and therefore, she approached the Women's Grievance Redressal Forum on 28.10.2022 and since the matter could not be compromised

before the said Forum, she has lodged the FIR on 03.06.2023.

3. Heard Advocate M.S. Karad holding for Mr. S. S. Thombre for the applicants. Shri. V. K. Kotecha, learned A.P.P. for respondent No.1 and Shri. S.R. Shirsat learned Advocate for Respondent No.2.

4. On perusal of the FIR and statement of witnesses recorded during the course of investigation we find that there is absolutely no material worth mentioning against the present applicants to connect them with the alleged offence of Section 498-A of the Indian Penal Code. Respondent No.2 has named her husband, parents-in-laws, three siblings of husband as also the present applicants who are sisters of her father-in-law. In the matter apart from naming the present applicants and making a omnibus statements that they have made demand for a sum of Rupees Ten Lakhs along with the other six accused persons, there is nothing in the First Information Report or in the statements of witnesses to remotely connect the present applicants to the offence. The allegations are absolutely vague and lacking in all particulars such as date, time and place or even tentative period of demand by the present applicants. The present applicant Nos. 1 and 2 are

residents of Pune and Mumbai respectively and the husband and other family members are resident of Beed. Respondent No.2 has not even stated as to when the present applicants had visited her matrimonial house.

5. We find that the inclusion of names of the present applicants in the First Information Report is merely an arm twisting tactics. It is apparent that respondent No.2 has implicated all the family members and even paternal aunt of her estranged husband in the matter. Registration of offence and continuation of criminal prosecution against the present applicants clearly amounts to abuse of process of law.

6. We conclude that in the absence of clear and specific allegations against the present applicants coupled with the fact that they do not reside with the other accused persons and that there is no material against them to remotely connect them with the offence, criminal prosecution against them needs to be quashed in exercise of powers under Section 482 of the Code of Criminal Procedure. Hence, the following order.

ORDER

(I) The application is allowed.

(II) The proceeding in Regular Criminal Case No. 448 of

2023 pending before the learned learned Judicial Magistrate, First Class, Beed arising out of First Information Report vide Crime No. 0295 of 2023 registered with Shivaji Nagar Police Station, Beed dated 03.06.2023 under Sections 498-A, 323, 504, 506 read with Section 34 of the Indian Penal Code is hereby quashed and set aside as against applicant No.1 Chayya W/o Ashok Chole and applicant No.2 Neelam @ Pranali Raj Nagargoje.

(ROHIT W. JOSHI)
JUDGE

(SMT. VIBHA KANKANWADI)
JUDGE

Y.S. Kulkarni