



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

CRIMINAL APPLICATION NO. 3906 OF 2022

1. Indubai Bhagwat Patil
Age : 63 years, Occ : Household,
2. Kuldip Bhagwat Patil
Age : 39 years, Occ : Service,
3. Nutan Kuldip Patil
Age : 32 years, Occ : Housewife,

All R/o Ishwar Nagar, Moh Tarfe Shirval
Satara, Dist. Satara – 412 801

..APPLICANTS

-VERSUS-

1. The State of Maharashtra
Through Police Inspector
Shahada Police Station, Taluka Shahada,
Dist. Nandurbar
2. Shital Nikhil Patil
Age : 28 years, Occ : Household,
R/o Maloni, Taluka Shahada,
Dist. Nandurbar

..RESPONDENTS

...
Advocate for Applicants : Mr. Amit S. Savale
APP for Respondent- State : Mr.N.R. Dayama
Advocate for Respondent No.2 : Mr. Medha P. Patel
...

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

RESERVED ON : 11th December, 2024

PRONOUNCED ON : 19th December, 2024

JUDGMENT (PER ROHIT W. JOSHI, J.):

Present criminal application is preferred challenging F.I.R. No. 0947/2021, dated 07.10.2021 registered with Police Station, Shahada, Dist. Nandurbar, on information provided by respondent No.2 for the offences punishable under Sections 498-A, 323, 109, 504, 506 read with Section 34 of the Indian Penal Code (IPC) against the present applicants and husband of respondent No.2 namely Nikhil Bhagwat Patil, Charge-sheet No.74/2022 dated 14.03.2022 and criminal proceedings, being R.C.C. No.52/2022 pending on the file of the Judicial Magistrate, First Class, Shahada, Dist. Nandurbar. The present applicant nos. 1 to 3 are related to respondent No.2 as mother-in-law, brother-in-law and wife of brother-in-law respectively.

2. The marriage of respondent No.2 with Nikhil Patil, son of applicant No.1 was solemnized on 04.05.2016. She claims that apart from golden ornaments, a sum of Rs.2,00,000/- was given by her father as dowry at the time of marriage. She claims that after the marriage, she went to her matrimonial home at village Gorgawale, Tq.Chopda, Dist. Jalgaon and thereafter she shifted to village Shirwal, Tq.Khandala, Dist. Satara along with family members. According to her, she was treated well for a period of around one year and thereafter, the family members started harassment and ill treatment.

She has alleged that her husband was working in a private concern, however, soon after the marriage, he lost his job. Mother-in-law/applicant No.1 used to do some tailoring work and provide tiffin to few people for earning. She claims that her in-laws made demand for dowry of a sum of Rs.30,00,000/- for starting hotel on a plot stated to be owned by them on a highway and when she expressed her inability to fulfill the demand on the ground that her father was working merely as a driver with M.S.R.T.C. and it was not possible for him to fulfill such huge demand of dowry, the husband started beating and verbally abusing her. She has also alleged that applicant Nos.1 and 3 used to deliberately ask her to do excessive household work as also work for the business of providing tiffin in order to harass her. She has stated that in the month of November, 2019, her husband sent her to her parental home asking her to exert pressure on her father to arrange for dowry of Rs.30,00,000/-. She further states that, her father had promised to arrange a sum of Rs.3,00,000/-. She thereafter alleges that since demand for dowry could not be fulfilled, her husband forwarded her photographs to one of his friends and on that basis started defaming her in the society speaking ill about her character. She states that as her father bluntly refused to sell the agricultural land in order to fulfill the demand for dowry, the family members called him at Shirwad and asked him to take respondent no.2 along with him and clearly stated that unless the

demand is met respondent no.2 will not be taken back in her matrimonial home. She alleges that, her father and one relative Rajendra Choudhari had been to her in-laws on 03.03.2021 to reason out to them that they should allow respondent No.2 to stay along with them and not to insist for dowry and at that time also, the family members insulted them and bluntly refused to take respondent no.2 back her matrimonial house. Lastly, she contends that while she was residing at the residence of her cousin, her husband and all the three applicants had been there once again raising demand of Rs.30,00,000/-. These are the allegations she has lodged the above FIR against her husband and present applicants.

3. Shri Amit S. Savale, learned Advocate for the applicants contends that the allegations against all the applicants are omnibus. He submits that principally the allegations are made against the husband and only with a view to implicate all the family members the names of the present applicants have been taken. The applicants contend that false implication is apparent from the contents of the FIR and the statements of the witnesses recorded and as such the present application is liable to be allowed.

4. As against this, Mr. N. R. Dayama, learned APP and Ms. Medha P. Patel, learned Advocate for respondent No.2 would

strenuously argue that respondent No.2 has made specific allegations against each of the applicants. The incidents are mentioned along with dates. The allegations are therefore specific and truthfulness of the allegations cannot be examined in an application under Section 482 of the Code of Criminal Procedure for quashing of FIR. They, therefore, submit that this is not a fit case for quashing of criminal prosecution and further that truth will come to fore only after completion of trial.

5. Having heard learned respective Advocates and upon perusal of the record, we find that although the principal grievance of respondent No.2 is against her husband, she has levelled specific allegations in the FIR against all the applicants. She has mentioned the dates of alleged demand and the persons before whom the demand was made, who are witnesses in the charge-sheet. Of course, these persons are related to the applicants, however, in case of section 498-A of the IPC witnesses are normally relatives or friends of the informant. To ascertain veracity of the allegations is beyond the scope of our jurisdiction under Section 482 of the Code of Criminal Procedure. We cannot evaluate the evidence while entertaining the application for quashing prosecution under Section 482 of the Code of Criminal Procedure.

6. In view of the definite allegations made in the FIR, we are

of the view that the prosecution cannot be quashed at the inception in the present case. Hence, we pass the following order :-

ORDER

- (i) The application is rejected.

[ROHIT W. JOSHI]
JUDGE

[SMT. VIBHA KANKANWADI]
JUDGE

sga