



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

CRIMINAL APPLICATION NO. 3874 OF 2023

1. Prasenjeet Vinod Jadhav,
Age : 35 Years, Occ. Doctor,
R/o. D.V. Neptune, Ratna Galaxy Apartment,
Flat No. 404, Behind Patil Petrol Pump,
Belawli Badlapur (West) Tq. Ambarnath,
Dist. Thane.
2. Vinod Vitthal Jadhav,
Age : 60 Years, Occ. Retired,
R/o. As above
3. Vandana Vinod Jadhav,
Age : 55 Years Occ. Nil,
R/o. As above
4. Pradnya Vinod Jadhav,
Age : 33 Years, Occ. Service,
R/o. As above
5. Prajakta Pratik Sonawane,
Age : 31 Years, Occ. Nil,
R/o. Flat No. 605, Shivkrupa Building,
Building No. 25, B Wing, Near Jain Temple,
Bhiwandi Tq Bhiwandi, Dist. Thane
6. Pratik Sudhakar Sonawane,
Age : 38 Years, Occ. Business,
R/o. Flat No. 605, Shivkrupa Building,
Building No. 25, B Wing, Near Jain Temple,
Bhiwandi Tq. Bhiwandi, Dist. Thane
7. Nikita Chetan Hingne,
Age : 30 Years, Occ. Nil,
R/o. Flat No. 1206, C Wing, Swapnalok
Housing Society, Near Nageshwar Temple,
Old Moshi, Alandi Road,
Moshi Tq. Haveli, Dist. Pune
8. Chetan Uttam Hingne,
Age : 30 Years, Occ. Business,
R/o. Flat No. 1206, C Wing, Swapnalok

Housing Society, Near Nageshwar Temple,
Old Moshi, Alandi Road, Moshi Tq.
Haveli, Dist. Pune

..Applicants
(Accused as shown in FIR)

VERSUS

1. The State of Maharashtra,
Through Officer Incharge,
Police Station Tembhurni,
Dist. Jalna
2. Priyanshi @ Maya Prasnjeet Jadhav,
Age : 32 Years, Occ. Nil,
R/o. C/o. Sunil Sukhdev Bankar,
20-H-501, Shrisiddhi Sai Society,
Sangharsh Nagar, Kandiwali Farm Road,
Andheri (East) Mumbai 400 072 .. Respondents
(Ori. Informant)

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Advocate for the applicants : Ms. Neha udavant holding for
Mr. S.J. Salunke
A.P.P. for Respondent No.1 : Mr. S. A. Gaikwad
Advocate for Respondent No.2 : Mr. A. M. Reddy

....

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

DATED : DECEMBER 09, 2024

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

1. Respondent No.2 in the present matter has lodged FIR vide Crime No. 0219 of 2023 dated 11.08.2023 with Police Station Temburni, District Jalna against the present applicants for the offence punishable under Sections 498-A, 323, 504 and 506 read with Section 34 of the Indian Penal Code. Except for Section 498-A of the IPC, all other provisions are non cognizable.

2. The applicants are related to respondent No.2 as under :-

- (1) Applicant No.1 : Husband of the informant.
- (2) Applicant No.2 : Father-in-law of the informant
- (3) Applicant No.3 : Mother-in-law of the informant.
- (4) Applicant No.4 : Sister-in-law of the informant.
- (5) Applicant No.5 : Married Sister-in-law of the informant.
- (6) Applicant No.6 : Husband of Sister-in-law of informant.
- (7) Applicant No.7 : Married Sister-in-law of the Informant
- (8) Applicant No.8 : Husband of Sister-in-law of informant.

3. The applicants have filed the present application invoking Section 482 of the Code of Criminal Procedure seeking to quash the said FIR lodged by respondent No.2. In the meantime, the prosecution had filed charge sheet in the matter on 28.11.2023 vide final report No. 108 of 2023. The applicants have amended the application as per leave granted by this Court vide order dated 08.10.2024 in order to challenge the charge sheet as also Regular Criminal Case No. 229 of 2023 registered against them.

4. As per the FIR dated 11.08.2023 the marriage of respondent no.2 with applicant No.1 was solemnized on 10.06.2022. Respondent No.2 states that she was treated properly by the applicants for a period of around 15 days after

the marriage. She contends that applicant No.1 did not establish physical relationship and thereby deprived her of marital bliss and use to threaten her that in the event she divulges this fact to any third person, he would eliminate her. While so threatening respondent No.2 he would also physically assault her. The allegations against her father-in-law i.e. applicant No.2 are that he would show his salary slip to her and then abuse her unnecessarily. As regards applicant No.3, mother-in-law, the allegation is that she would force her to massage her hands and legs. It is alleged that, applicant No.4 sister-in-law would unnecessarily abuse her for no reason. She has stated that the other sister-in-law/ applicant No.5 and her husband/ applicant No.6 would mentally harass her by calling her a beggar and the allegation against younger sister-in-law/applicant No.7 and her husband/applicant No.8 is that they used to instigate applicant No.1 to assault respondent No.2. Along with these allegations, it is also alleged that the applicants used to make a demand of Rs. 5,00,000/- for the purpose of setting up clinic for applicant No.1.

5. Ms. Neha Udavant, learned counsel for the applicants contended that the allegations in the FIR are most improbable and un-bhevable. She states that even if the allegations are

taken at their face value do not remotely make out ingredients of Section 498-A of the IPC. She has pointed out in the FIR that the major allegation and grievance appears to be that applicant No.1 was not capable of providing marital bliss to respondent No.2. As regards the specific allegations made against applicant No.2 to 4 she submits that the allegations to say the least, are most frivolous and unbelievable. As regards applicant Nos. 5 to 8 she would submit that they are married sister-in-laws and their husbands are also being roped unnecessarily. She would then submit that the allegation pertaining to demand of dowry of Rs. 5,00,000/- is completely vague. The tentative time period of the demand is not stated. The said allegations should be discarded since according to her the said allegations is apparently made only in order to make out case under Section 498-A of the Indian Penal Code.

6. Shri. S.A. Gaikwad, learned A.P.P. and learned Advocate Mr. A.M. Reddy learned Advocate for respondent No.2 on the other hand would content that the allegation pertaining to demand for dowry is levelled in the FIR against all the applicants and therefore, FIR cannot be quashed since the veracity of the allegations cannot be considered in an application under Section 482 of the Code of Criminal

Procedure.

7. Having heard the respective Advocates and on perusal of the FIR and other statements in the charge sheet, we are of the considered opinion that there is substance in the contention of the learned Advocate for the applicants that the principal grievance of respondent No.2 seems to be that applicant No.1 has not provided her marital bliss.

8. We are of the opinion that the allegations pertaining to demand for dowry are absolutely vague and lacking in all particulars. The allegation regarding demand of dowry cannot be seen in isolation and needs to be considered along with other allegations which have been made in the FIR. The contents of FIR demonstrate a desperate attempt on the part of respondent No.2 in roping in all the family members of her husband in the offence. With that view she has leveled allegations against each of the family member, including applicant Nos. 5 and 7 who are married sisters-in-law and applicant Nos. 6 and 8 who are their husbands. The allegations against applicant No.2 that he would show his salary slip and abuse and ridicule respondent No.2 is also frivolous allegation. We reiterate that the allegations pertaining

to demand of dowry is as vague as it could be and when considered in the backdrop of other allegations, we find that respondent No.2 is unnecessarily trying to involve the applicants in criminal prosecution.

9. Instances of estranged wife's using Section 498-A of the IPC as a weapon against husband and his family members are rampant. Courts are flooded with the matters under Sections 498-A of the IPC in which most vague and unfounded allegations are leveled. We may profitably refer to judgments of the Hon'ble Supreme Courts in the matters of **J.V. Rao Vs. L. H. V. Prasad and others reported in (2000) 3 SCC 693**, **Preeti Gupta Vs. State of Jharkhan reported (2010) 7 SCC 667** (3) **Kahkashan Kausar @ Sonam Vs. The State of Bihar reported in (2022) 6 SCC 599**. **Mamidi Anil Kumar Reddy Vs. The State of Andhra Pradesh reported in (2024) SCC on Line 127** and **Dara Lakshmi Narayana Vs. State of Telangana SLP (Cri) No. 16239 of 2024**. All these judgments have repeatedly taken note of rise in matrimonial disputes resulting in prosecution of in-laws under Sections 498-A of the IPC in which often there is absolutely no material to support the allegations and lodging of FIR is only in order to settle personal score with husband and his family members. The

Hon'ble Supreme Court has repeatedly cautioned that cognizance of offence under Section 498-A of the IPC should not be taken on the basis of vague and omnibus allegations. The Hon'ble Supreme Court has also adverted to exercise caution while taking cognizance against relatives of husband who do not reside with him. In the case of Mamdi Anilkumar, (supra) the Hon'ble Supreme Court has stated that in frivolous and vexatious cases the Court should not look at the FIR alone and rather should read between the lines and consider all the surrounding circumstances of the case to arrive at just and proper conclusion with regard to continuation of prosecution or quashing the same at the inception. It is held that it is duty of the High Courts exercising powers under Article 226 of the Constitution of India or under Section 482 of the Code of Criminal Procedure to take pragmatic view of the matter and guard against misuse of Section 498-A of the IPC and in cases where no offence is made out on the basis of material gathered during the course of investigation, it is duty of the Court to nip such prosecution in the bud.

10. In the light of the above judgments of Hon'ble Supreme Court, we are of the considered opinion that continuation of prosecution in the present case would amount to abuse of the

process of law in as much as there are no specific allegations regarding demand of dowry. Rather, all the allegations considered together clearly suggest attempt on the part of respondent No.2 to implicate applicant No.1 and his family members in the offence under Section 498-A of the IPC without any basis. We are therefore, of the opinion that it is necessary to quash the prosecution in present case against all the applicants. Hence, we pass the following order :-

ORDER

- (I) The application is allowed.
- (II) Proceeding in Regular Criminal Case No. 229 of 2023 pending before the learned Judicial Magistrate First Class, Jafrabad, District Jalna, arising out of FIR vide Crime Registration No. 219 of 2023 dated 11.08.2023, registered with Police Station, Tembhurni, District Jalna, for the offence punishable under Sections 498-A, 323.504 and 506 and read with Section 34 of the Indian Penal Code stands quashed and set aside as against all the applicants.

(ROHIT W. JOSHI)
JUDGE

(SMT. VIBHA KANKANWADI)
JUDGE