

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

CRIMINAL APPLICATION NO. 3656 OF 2019

1. SACHIN PRALHAD DONGARE
2. PRALHADAJI VAKILAJI DONGARE
3. USHA PRALHAD DONGARE
4. SAPNA SANDIP WAKPANJAR
5. PURVA @ VANDANA PAWAN LATURIYA
6. PAWAN RAMESH LATURIYA

VERSUS

1. THE STATE OF MAHARASHTRA
2. SNEHAL SACHIN DONGARE

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Advocate for Applicants : Mr. R.V. Gore
APP for Respondent No. 1 : Mr. V.K. Kotecha
Advocate for Respondent No. 2 : Mr. S.N. Boiwar
h/f. Mr. S.R. Bodade

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

DATE : 11 JANUARY 2024

PER COURT (PER : SHAILESH P. BRAHME, J.) :

Heard learned counsel for litigating sides finally.

2. The applicants are seeking quashment of RCC No. 1937 of 2018, pending before Judicial Magistrate First Class, Aurangabad, for the offences punishable under Sections 498-A, 323, 504, 506 read with 34 of Indian Penal Code and under Sections 3, 4 of Dowry Prohibition Act, 1961.

3. Respondent no. 2 is the Informant / wife of the applicant no. 1 – Sachin. First Information Report was lodged on 29.05.2017 with CIDCO Police Station, Aurangabad. By order dated 13.07.2023, the application to his extent was withdrawn. The applicant nos. 2 and 3 are

parents-in-law of the respondent no. 2, applicant nos. 4 and 5 are sisters-in-law and applicant no. 6 is husband of one of the sisters-in-law.

4. It is alleged against the applicants that the respondent no. 2 was being harassed by the applicants physically and mentally. She was being asked to bring Rs. 5 Lakhs to purchase a flat in Pune. It is further alleged that she was being abused and refused to be maintained because her father was unable to satisfy the demand.

5. Learned counsel for the applicants submits that allegations against the applicant nos. 2 to 6 are omnibus and vague. It is submitted that respondent no. 2 hardly stayed with the applicants for two months at Akola. Applicant nos. 5 to 6 are residents of Pune. The allegations are stated to be inherently improbable. The supplementary statement of respondent no. 2 and the statements recorded during the course of investigation do not indicate specific incriminating role against the applicants. Learned counsel submits that no offence can be made out against them.

6. Learned APP and respondent no. 2 repel the submissions of the applicants. They would submit that all the applicants are involved and they were together causing ill-treatment to respondent no. 2. There is a specific allegation of demand of dowry. They would further submit that full fledged trial is necessary to conclude that the applicants are innocent. There is cogent material against them.

7. We have considered rival submissions of the parties. We have gone through First Information Report and the statements recorded during the course of investigation. Applicant no. 1 has already withdrawn application to his extent. Applicant nos. 5 and 6 do not appear to be residing at the place of newly married couple. Respondent no. 2 resided with the applicants from 14.02.2016 to 18.04.2016.

8. There are no specific allegations indicating incriminating role played by the applicants. Even the supplementary statement of respondent no. 2 does not spell out specific overt act. We find that it is an abuse of process of law to compel the applicants to face the trial. We are of the considered view that no offence can be made out against applicant nos. 2 to 6. We, therefore, pass following order :

ORDER

- i. RCC No. 1937 of 2018, pending before Judicial Magistrate First Class, Aurangabad, is quashed and set aside to the extent of applicant nos. 2 to 6.
- ii. Criminal Application is allowed to the extent of applicant nos. 2 to 6.

[SHAILESH P. BRAHME, J.]

[MANGESH S. PATIL, J.]