

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO. 4774 OF 2022**

1. Umesh Uttamrao Mane

2. Pooja Umesh Mane ... Petitioners

Versus

1. The State of Maharashtra

2. Priyanka Dhiraj Mane ... Respondents

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Mr. Avinash Patil for the Petitioner.
Ms. M. M. Deshmukh, APP for the State.
Mr. Kuldeep Nikam for Respondent No. 2.

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**CORAM : PRAKASH D. NAIK &
N.R. BORKAR, JJ.**

DATED : 13.02.2024

P.C. :-

Heard both sides.

2. The petitioners have invoked inherent power under Section 482 of the Code of Criminal Procedure challenging First Information Report dated 4.11.2022 registered with Tasgaon Police Station District Sangli vide Crime No. 548 of 2022 for offences under Sections 323, 498-A, 504, 506, 507 r/w 34 of the Indian Penal Code.

3. The FIR was registered at the instance of respondent No. 2. The petitioner No. 1 is brother-in-law of respondent

No. 2 and petitioner No. 2 is the wife of petitioner No. 1.

4. The brief allegations in the FIR are as follows:

“a. The marriage between accused No. 1 and respondent No. 2 was performed on 21.10.2021 at Tasgaon as per the hindu rites. The parents of the complainant had provided gold, silver ornaments and other articles during the marriage. The complainant joined the matrimonial home. All the accused raised issues on food provided during the marriage.

b. The husband of respondent No. 2 had ill-treated complainant and commented on her appearance. The husband demanded an amount of Rs. 25 Lakhs from the complainant. and told her to bring the said amount from her parents. The complainant informed that she is not in a position to arrange the said amount. On that count, husband and mother-in-law of complainant abused and assaulted her.

c. The brother-in-law of the complainant (petitioner No. 1) and his wife (petitioner No. 2)

called from USA on the cell phone of the mother-in-law of the complainant and told the complainant to comply the demand of the accused No. 1 by providing amount demanded by him. The complainant had expressed her inability to fulfill the demands of the accused. The accused No. 1 kept on demanding money. Complainant was repeatedly abused and ill-treated. The complainant lodged the NC complaint against the accused. The FIR was lodged on 4.11.2022.”

5. Learned Advocate, Mr. Patil, for the petitioners submitted that the petitioners are residing in USA. They have been falsely implicated in this case. Except vague allegations there is no material to substantiate the charge of cruelty against the petitioners.

6. The petitioners are not residing in the matrimonial home of the complainant. They had attended the marriage ceremony. Reliance is placed on the decision of Apex Court in the case of ***Preeti Gupta Vs. State of Jharkhand in SLP (Crl.) No. 4684 of 2019.***

7. Learned APP submitted that the FIR spells out the allegations which are sufficient to attract the offences registered against the accused in the FIR. The role has been attributed to the petitioners having abused and intimidated the complainant. The statements of relatives of the complainant also supports the prosecution case. The allegations in the FIR are sufficient to charge-sheet the petitioners in the crime. During the course of investigation, supplementary statement of the complainant was recorded on 24.01.2024, wherein she has stated that threats were issued by the petitioners by Whatsapp call on the cell phone of the accused No. 1 and mother-in-law of the complainant.

8. Learned Advocate, Mr. Nikam, for respondent No. 2 submitted that specific overact has been attributed to the petitioners in the FIR. There was demand of Rs. 25 Lakhs by accused No. 1. The complainant was continuously abused and threatened by the accused. The petitioners were instrumental in threatening the complainant on the cell phone and Whatsapp call to comply the demand made by the accused No. 1. The petitioners have participated in intimidating the complainant. Prima facie, material is there to substantiate the

offences against the petitioners. The FIR may not be quashed.

9. The petitioners had allegedly made call from USA on the cell phone of the mother-in-law of the respondent No. 2 and threatened the complainant to comply the demand of the accused No. 1. Similarly, in the supplementary statement recorded on 24.01.2024, the complainant had stated that the petitioners made Whatsapp call on the cell phone of her mother-in-law and threatened and told her to satisfy the demand of the accused No. 1 by providing the amount demanded by him.

10. The allegations are apparently afterthought and vague. The petitioners are not residing at the matrimonial home of the complainant. They are residents of USA. The allegations of harassment of husband's close relations who had been living in different cities and never visited or rarely visited the place where the complainant resided would have an entirely different complexion. Such allegations are required to be scrutinized with great care and circumspection.

11. The Apex Court in the case of ***Preeti Gupta Vs. State of Jharkhand in SLP (Crl.) No. 4684 of 2019*** has observed as follows:

“33. The ultimate object of justice is to find out the truth and punish the guilty and protect the innocent. To find out the truth is a herculean task in majority of these complaints. The tendency of implicating husband and all his immediate relations is also not uncommon. At times, even after the conclusion of criminal trial, it is difficult to ascertain the real truth. The courts have to be extremely careful and cautious in dealing with these complaints and must take pragmatic realities into consideration while dealing with matrimonial cases. The allegations are apparently vague. The petitioners are residents of USA. The allegations of harassment of husband's close relations who had been living in different cities and never visited or rarely visited the place where the complainant resided would have an entirely different complexion. The allegations of the complaint are required to be scrutinized with great care and circumspection. Experience reveals that long and protracted criminal trials lead to rancour, acrimony and bitterness in the relationship amongst the parties. It is also a matter of common knowledge that in cases filed by the complainant if the husband or the husband's relations had to remain in jail even for a few days, it would ruin

the chances of amicable settlement altogether. The process of suffering is extremely long and painful.”

12. Considering the aforesaid circumstances, we are inclined to exercise the inherent powers under Section 482 of the Code of Criminal Procedure to quash the FIR registered against the petitioners, as we are of the opinion that, it would be an abuse of process of law to charge-sheet and prosecute the petitioners for the alleged offences.

ORDER

- (i) Writ Petition No. 4774 of 2022 is allowed.
- (ii) The First Information Report dated 4.11.2022 registered with Tasgaon Police Station District Sangli vide Crime No. 548 of 2022 for offences under Sections 323, 498-A, 504, 506, 507 r/w 34 of the Indian Penal Code is quashed and set aside.

13. The Investigating Authority may proceed with the investigation against other accused and file charge-sheet against them in case of evidence against them.

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signed by
MANGALTAI
JAYWANT
JADHAV
Date:
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(N.R. BORKAR, J.)

(PRAKASH D. NAIK, J.)