

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
APPLICATION NO. 638 OF 2023**

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|----|---|----------------|
| 1. | Mrs. Sakhubai G. Hake | |
| 2. | Mrs. Yashoda R. Satgire | |
| 3. | Mrs. Janabai G. Hake @
Janabai Vilas Naik | |
| 4. | Mrs. Mukta G. Shrirame | |
| 5. | Mr. Ganpat Shrirame | |
| 6. | Mrs. Geeta H. Shrirame | |
| 7. | Mr. Anand Shrimane | ...Applicants |
| | Versus | |
| 1. | The Sr. Police Inspector
Rabale Police Station, New Mumbai | |
| 2. | The State of Maharashtra | |
| 3. | Mrs. Devyani D. Hake | ...Respondents |

Mr. Mateen Shaikh for the Applicants.
Ms M.M. Deshmukh, APP for the Respondent/State.
Mr. Sachin Rajepandhare for Respondent No.3.

**CORAM : SMT ANUJA PRABHUDESSAI &
N. R. BORKAR, JJ.
DATED : 3 JANUARY 2024**

PC:-

1. The present application under Section 482 of Code of Criminal Procedure, 1973 is filed to quash the First Information Report No.196 of 2021 dated 11 June 2021 registered at Rabale Police Station, New Mumbai for the offences punishable under Sections 498-A, 323, 504, 506 read with 34 of the Indian Penal Code.
2. The aforesaid crime came to be registered at the instance of respondent No.3/complainant. The applicant No.1 is the

mother-in-law and applicant Nos.2,3,4 and 6 are sisters-in-law of respondent No.3. Applicant No.5 is the husband of applicant No.4 and the applicant No.7 is the father-in-law of applicant No.6.

3. The marriage of respondent No.3 was solemnized with the son of applicant No.1 on 11 May 2015. There are allegations of demand of dowry against the husband and father-in-law. As regards the present applicant, it is alleged that after marriage, when the respondent No.3 came to cohabit with them, they were compelling her to do all household chores. On trivial issue, they used to quarrel with her. There are allegations of unlawful demand of money against the husband, father-in-law and mother-in-law (applicant No.1). It is alleged that they demanded Rs.19 Lakhs for purchasing new house and when the said demand was not met, they ill-treated the respondent No.3.

4. We have heard the learned counsel for the applicants, learned counsel for respondent No.3 and learned APP for respondent/State.

5. The learned counsel for the applicants submits that respondent No.3 has made vague and general allegations against the applicants, which even if accepted in their entirety would not constitute offence under Section 498-A of IPC. It is submitted that the respondent No.3 has implicated not only her married sisters-in-law but their in-laws also. By drawing our

attention to the order passed by this Court dated 21 December 2021 in Anticipatory Bail Application No. 1726 of 2021, the learned counsel for the applicants submits that the respondent No.3 has agreed to withdraw the allegations against her sisters-in-law and their in-laws.

6. On the other hand, learned counsel for respondent No.3 submits that there is *prima facie* material to indicate that the applicants had subjected her to cruelty. It is submitted that the applicants cannot take benefit of the order passed by this Court dated 21 December 2021 as after passing of the said order when the respondent No.3 went cohabit with the applicants, she was abused and driven out. It is thus submitted that the application be dismissed.

7. The order passed by this Court dated 21 December 2021 reads thus:

1] Complainant wife along with her father is personally present in the court.

2] Mediator Ms. Rutuja Ambekar, after communicating with the complainant submits that complainant is residing with the applicant who is an academican. Counsel for the complainant assures that complainant shall cohabit with the applicant and shall also co-operate with him in discharge of his parental duties.

3] In the aforesaid background, counsel for the complainant on instructions from the complainant who is present in the court consents for deletion of all allegations against sister of the applicant and her in-laws and other relatives. As such, investigation officer shall take appropriate steps.

4] The aforesaid assurance on the part of the complainant is appreciated particularly in the matter of her bona fide attempt in reuniting with the applicant.

5] In the aforesaid background, ad interim protection stands confirmed.

(i) In the event of arrest of applicant in C.R. No. 196/2021 registered with Rabale Police Station, he shall be released on bail on furnishing P.R. bond in the sum of

Rs.500/- with one or more sureties in the like amount.

6] *Counsel for the applicant is at liberty to produce copy of this order to the investigating officer for taking appropriate steps in the matter of investigation.*

7] *Application alongwith intervention application stand disposed of."*

(emphasis supplied)

8. It is apparent from the above order that a solemn statement was made before this Court that the allegations against sisters-in-law and their in-laws would be withdrawn. Be that as it may, we have perused the first information report. The allegations of cruelty and demand of dowry are essentially against the husband. The allegations against the applicants are that they were compelling the respondent No.3 to do all household chores. They used to frequently quarrel with her on trivial issue. Though there are allegations of demand against the applicant No.1, however, the same are vague. The allegations against the applicants even if accepted in their entirety would not constitute cruelty within the meaning of Section 498-A of the IPC.

9. In ***Kahkashan Kausar alias Sonam and ors. vs. State of Bihar and ors.***¹ as well as in ***Abhishek Vs. State of Madhya Pradesh***², the Hon'ble Supreme Court referred to previous decisions wherein concern was expressed over the misuse of Section 498A of IPC and the increased tendency of implicating relatives of the husband in matrimonial disputes, without analyzing the long term ramifications of a trial on the complainant as well as the accused. The Apex Court cautioned

¹ (2022) 6 SCC 599

² 2023 Livelaw SC 731

that false implication by way of general *omnibus* allegations made in the course of matrimonial dispute, if left unchecked would result in misuse of the process of law and has warned the Courts from proceedings against the relatives and in-laws of the husband when no *prima facie* case is made out against them. The Apex Court also emphasized that a criminal trial leading to an eventual acquittal also inflicts severe scars upon the accused and such an exercise must therefore be discouraged.

10. Considering the facts and circumstances of the case, in our view, it is a fit case to exercise the powers under Section 482 of the Code of Criminal Procedure to quash the FIR *qua the* applicants. Hence, the following order is passed.

ORDER

A] The Criminal Application is allowed.

B] The C.R. No. 196 of 2021 dated 11 June 2021 registered at Rabale Police Station, New Mumbai for the offences punishable under Sections 498-A, 323, 504, 506 read with 34 of the Indian Penal Code is quashed *qua the* applicants.

C] The Application is disposed of in the aforesaid terms.

(N.R. BORKAR, J.)

(SMT. ANUJA PRABHUDESSAI, J.)