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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL WRIT PETITION NO. 3997 OF 2024

Avinash Kisan Gaikwad and Ors.

....Petitioners

V/s.

State of Maharashtra and Anr.

...Respondents

Mr. Nitin Gaware Patil a/w Mr. Shubham Wadne for Petitioners.

Ms. Mahalaxmi Ganapathy, APP for State.

Mr. Rupesh A. Zade for Respondent No.2.

PSI Mr. A.K. Mulla attached to Talegaon Dabhade Police Station present.

**CORAM : SARANG V. KOTWAL &
DR. NEELA GOKHALE, JJ.
DATED : 11th OCTOBER 2024**

P.C. :

1. This Petition is filed for quashing of the FIR registered vide C.R No. 392 of 2022 at Talegaon Dabhade Police Station, Pune under Section 307, 324, 323, 504, 506 and 498A of the Indian Penal Code, 1860 (the IPC). It has resulted in filing of the charge-sheet bearing RCC No. 126 of 2023.

2. Heard. The FIR is lodged by the Respondent No.2. The Petitioner No.1 is her husband. The Petitioner Nos. 2 and 3 are the parents of the Petitioner No.1. The FIR mentions that the Respondent No.2 got married with Petitioner No.1 on 29th November 2021. At the time of marriage, the Petitioner Nos. 1 and 3 demanded the dowry in the form of 11 tola gold but since the Respondent No.2's father was not in a position to fulfill their demand, he gave 7 tola gold. After the marriage, the

petitioners treated her well only for one month. Thereafter, the Petitioner No.2, i.e., the mother-in-law started harassing her. She started abusing the Respondent No.2 in filthy language. Petitioner No.1 also used to abuse her in filthy language and used to beat her. He used to say that the Respondent No.2's parents had paid less dowry. The Petitioners used to demand more money for construction of house. When the Respondent No.2 refused even the Petitioner No.3 started abusing her in filthy language. She was constantly harassed for dowry.

3. On 31st August 2022 on some petty issue the Petitioner No.2 started abusing the Respondent No.2 in filthy language. Not able to tolerate this constant harassment she came out of the house and sat in frustration. All the three petitioners came there and again started abusing her. The Petitioner No.1 dragged her inside the house. The Petitioner No.3 started assaulting her with wooden stick. The Petitioner No.2 pushed her down and the Petitioner No.1 assaulted her on stomach and back. He pressed his foot on her throat and tried to kill her. On this basis the FIR is lodged.

4. Learned counsel for the Petitioners submitted that the specific role of assault is attributed only to the Petitioner No.3. He submitted that ingredients of Section 307 of the IPC are not made out. It is only a matrimonial discord. The FIR is filed only because of revengeful attitude. There was no intention to commit murder.

5. Learned counsel for the Respondent No.2 and the learned APP relied on the FIR and the material collected during the investigation. Learned APP on instructions stated that the investigating agency is taking steps to add the provisions of the Dowry Prohibition Act, 1961.

6. We have considered the submissions and we have perused the charge-sheet. The charge-sheet includes the injury certificate issued by the Primary Health Centre, Talegaon Dabhade. The Respondent No.2 has suffered six contusions all over her body. The size of the injuries was atleast 5 x 2 cm each. It is quite clear that the Respondent No.2 was mercilessly beaten. There are statements of eye witnesses namely Radha Namdar, Jayashree Nigoskar and Surekha Jagnade. They sufficiently corroborate the statements in the FIR. Undoubtedly, all the ingredients of all the sections applied in this case are made out. As far as Section 307 of the IPC is concerned there are clear averments in the FIR that the Petitioner No.1 had pressed her throat by his foot. Section 34 of the IPC is also applied. This was done in the presence and with active participation of the other two petitioners. There is sufficiently strong material against all the petitioners. Absolutely no case for grant of any relief is made out in this case. Hence, the following order.

ORDER

1. Petition is dismissed.

(DR. NEELA GOKHALE, J.)

(SARANG V. KOTWAL, J.)