



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

Criminal Application (APL) No.1007/2024
(Mukunda and others V State of Maharashtra and another)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. R.S. Bhalerao, Adv. for applicants.
Mr. Badar, APP for NA no.1.

CORAM : Smt. Vibha Kankanwadi & Mrs. Vrushali V. Joshi, JJ
DATE : 23-07-2024.

Present application has been filed under Section 482 of the Cr.P.C. for quashing the FIR vide Crime No.362/2024 registered with Beltarodi Police Station, Nagpur for the offences punishable under Sections 498-A, 377, 354, 323, 506 r/w 34 of the Indian Penal Code and Sections 3 and 4 of the Dowry Prohibition Act. at the behest of non-applicant no.2.

ii. Heard learned Advocate for the applicants and learned APP waives notice for non-applicant no.1. It is not even necessary to issue notice to non-applicant no.2.

iii. What we could find from the contents of the FIR is that Section 377 of the IPC is added against original accused no.1 i.e. the husband who is not before this Court, and therefore we are considering the offences under Sections 498-A, 377, 354, 323, 506 r/w 34 of the Indian Penal Code as against the present applicants.

iv. Learned Advocate for the applicants vehemently submits that perusal of the FIR would show that it is prepared after concoction and to harass the applicants. The husband of non-applicant no.2 had lodged reports against non-applicant no.2, but prior to the FIR also and also the NC case. The non-applicant no.2 herself is a whimsical person and according to the applicants she

need some treatment. It would be a futile exercise to ask the applicants to face the trial on the basis of the contents of the FIR. The allegations are general in nature, which do not prove the ingredients of the offence.

v. Perusal of the FIR would show that the marriage had taken place on 13-12-2023. According the informant, she had received cash as gift and as well as certain articles as gift but then on the next day itself the father in law and husband of sister in law started insulting her on the point that she has not brought proper dowry and they were expecting some gifts in gold. She also says that the mother in law and sister in law had forcibly taken the amount from her bag and bought Air Conditioner for the house. Thereafter, there are allegations of outraging her modesty against the husband of sister in law as well as father in law. Taking into consideration those allegations and further stating that she was insisted to bring dowry of five lakhs and then left her at her parents place, we take that these are the allegations which are specific in nature and therefore this is not a case where we should exercise our inherent powers under Section 482 of the Cr.P.C. Application stands rejected.

(Mrs. Vrushali V. Joshi, J.)

(Smt. Vibha Kankanwadi, J.)