



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

CRIMINAL APPLICATION (APL) NO.1259/2022

1. Rupesh S/o Ramkrushana Jumale,
age 34 Yrs., Occ. Service.
2. Kamla S/o Ramkrushana Jumale,
age 57 Yrs., Occ. Housewife.
3. Jyoti W/o Ravi More,
age 31 Yrs., Occ. Labour.

Applicant Nos.1 to 3 R/o Near Narhari
Maharaj Mandir, Balaji Nagar, Mehkar,
Tq. Mehkar, Dist. Buldhana.

4. Sima W/o Shekhar Mahajan,
age 30 Yrs., Occ. Nil.
5. Shekhar S/o Hemchandra Mahajan,
age 34 Yrs., Occ. Business.

R/o Mahajanpuri, Behind Bamnod
Bus Stand, Yawal, Tq. Yawal,
Dist. Jalgaon.

... Applicants

- Versus -

1. State of Maharashtra,
through P.S.O. Gadgenagar,
Tq. Amravati Dist. Amravati.
2. Komal W/o Rupesh Jumale,
age 27 Yrs., Occ. Service.

R/o Near Narhari Maharaj
Mandir, Balaji Nagar, Mehkar,
Tq. Mehkar, Dist. Buldhana. ... Non-applicants

Mr. M.V. Bute, Advocate for the Applicants.
Mr. M.K. Pathan, A.P.P. for Non-applicant No.1.
Mr. S.B. Gandhe, Advocate for Non-applicant No.2.

CORAM: SMT. VIBHA KANKANWADI & MRS.VRUSHALI V. JOSHI, JJ.
DATED: 12.6.2024.

JUDGMENT (Per Mrs. Vrushali V. Joshi, J.)

Heard. **Rule.** Rule made returnable forthwith.

Heard finally by consent of learned counsel for the parties.

2. The applicants have invoked extraordinary and inherent jurisdiction of this Court under the provisions of Section 482 of the Code of Criminal Procedure for quashing of the F.I.R. dated 18.2.2021 in Crime No.0243/2021 for the offence punishable under Section 498-A read with Section 34 of the Indian Penal Code and Sections 3 and 4 of the Dowry Prohibition Act.

3. The applicant No.1 is the husband of non-applicant No.2, applicant No.2 is mother-in-law, applicant Nos.3 and 4 are sisters-in-law and applicant No.5 is the husband of applicant No.4.

4. The marriage of non-applicant No.2 with applicant No.1 was performed on 2.1.2019. Both non-applicant No.2 and applicant No.1 are Talathi. The non-applicant No.2 was working as Talathi at Chandwad, District Nashik and applicant No.1 is working as Talathi at Mehkar, District Buldhana. It is alleged that after the marriage for 15 days all the applicants behaved properly. Thereafter they started harassing her for not giving gift articles in marriage and for brining money from her parents' house. Though she has not stayed with the applicants for continuous period but whenever she stayed there the applicants harassed her, beat her for demand of money and not giving proper gift articles at the time of marriage. The incidents of beating are specifically mentioned and immediately after said beating she has

informed about it to her parents and her parents took her to their house. The allegations against all the applicants are that they instigated her husband to beat her. The applicant Nos.1 to 3 are staying at Mehkar. Applicant No.3, who is the married sister-in-law, is staying at the house of applicant No.1 due to matrimonial dispute. The specific allegations are made that when she came for *Diwali* at her matrimonial house the applicants beat her and she informed about it to her parents and on next day they came there and took her back. Two incidents are mentioned about beating and one incident occurred in presence of her father and, therefore, she has lodged the complaint.

5. Learned Counsel for the applicants has stated that general and vague allegations are made against all the applicants. The applicants have lodged complaint against the father of non-applicant No.2 and the registration of the F.I.R. is the reflection of said N.C. report registered against the father of the non-applicant No.2 who is the A.S.I.

6. Applicant No.1 and non-applicant No.2 stayed together for a very short period. She was working and, therefore, not stayed with applicants. Only to harass the applicant No.1, the entire family members are roped in this crime. No offence is made out against these applicants. Hence prayed to quash the criminal proceedings bearing R.C.C. No.539/2021 pending before the learned 9th Judicial Magistrate First Class, Amravati arising out of Crime No.0243/2021.

7. Learned A.P.P. opposed the application stating that the specific allegations are made against all the applicants. Non-applicant No.2 has mentioned about the specific incidents of harassment and vague and general allegations are not made against the applicants. Non-applicant No.2 has mentioned when and where the applicants beat her. Therefore, this is not a fit case to quash the criminal proceedings. He, therefore, prayed to reject the application.

8. The allegations are made against all the family members. Applicant Nos.1 to 3 are staying together and the incidence of beating occurred at the house of applicant No.1 where the applicant Nos.1 to 3 are staying. She has made specific allegations about beating by the applicant Nos.1 to 3 and how applicant Nos.2 and 3 helped the applicant No.1. The allegations against the applicant Nos.4 and 5 are that they used to instigate her husband on telephone as they are staying at Jalgaon and, therefore, allegations are made against them also.

9. Considering the contents in F.I.R. and the role played by the applicant Nos.1 to 3, *prima facie*, reveals that the specific allegations are made against these applicants. Hence no case is made out to quash the criminal proceedings against these applicants.

10. Applicant Nos.4 and 5 are staying at Jalgaon and allegations are made that they instigated her husband to beat her

by making phone calls. Considering the allegations made against these applicants and the material available *prima facie* no case is made out against applicant Nos.4 and 5.

11. For the aforesaid reasons, following order is passed:-

(i) The application is partly allowed.

(ii) The application against the applicant Nos.1 to 3 is rejected.

(iii) The application against the applicant Nos.4 and 5 is allowed.

(iv) The criminal proceedings bearing R.C.C. No.539/2021 pending before the learned 9th Judicial Magistrate First Class, Amravati arising out of Crime No.0243/2021 is quashed and set aside only against the applicant Nos.4 and 5.

(MRS.VRUSHALI V. JOSHI, J.)

(SMT. VIBHA KANKANWADI,J.)