



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
AURANGABAD BENCH, AURANGABAD

CRIMINAL APPLICATION NO.326 OF 2024

APPELLANTS

- : 1) **Sonal Balwant Londhe,**
Age: 37 years, Occu: Private Service,
R/o: 1/4, Nuruddin Chawl, Bihari
Tekadi Gavdevi Road, Poisar, Kandiwali
(East), Mumbai.
- 2) **Shobha Balwant Londhe,**
Age: 65 years, Occu: Household,
R/o:Devi Bhoire, Taluka Parner, District
Ahmednagar.
- 3) **Balwant Sukhdeo Londhe,**
Age: 69 years, Occu: Pensioner,
R/o: As above
- 4) **Prathamesh Balwant Londhe,**
Age: 35 years, Occu: Business,
R/o: As above

..VERSUS..

RESPONDENTS

- : 1) **The State of Maharashtra,**
Through Parner Police Station, Parner,
District Ahmednagar.
- 2) **Savita w/o Sonal Londhe @ Savita d/o
Nanabhau Gade,**
Age: 28 years, Occu: Household,
R/o: Pimpalner, Taluka Parner,
District : Ahmednagar.

Amendment is carried out in view of
leave granted by the Hon'ble Court
vide order dated 12.06.2024.

Mr. Santosh S. Jadhavar, Advocate for Appellants.

Mr. A.M. Phule, APP for the respondent No.1/State
Mr. A.S. Khedkar, Advocate for the respondent No.2

CORAM : SMT. VIBHA V. KANKANWADI AND ROHIT W.
JOSHI

DATED : 23rd JANUARY, 2025.

JUDGMENT : (Per : Rohit W. Joshi, J)

1. The present application is filed under Section 482 of the Code of Criminal Procedure (CrPC), seeking quashment of the First Information Report (FIR) vide Crime No.172 of 2023 dated 04.03.2024 registered at Parner Police Station, Tahsil Parner, District Ahmadnagar for the offence punishable under Sections 498A, 323, 504 and 506 read with Section 34 of the Indian Penal Code along with Charge sheet No.79 of 2023 and the Regular Criminal Case (RCC) No.135 of 2023 pending on the file of the learned Judicial Magistrate First Class, Parner. The FIR was lodged by the respondent No.2/informant. The respondent No.2 is related to the applicants as under :
 - (i) the applicant No.1-husband;
 - (ii) the applicant No.2-mother-in-law;

(iii) the applicant No.3-father-in-law; and

(iv) the applicant No.4-brother-in-law.

2. During the course of hearing of the application, we have expressed our disinclination to grant relief sought by the applicant No.1. The learned counsel for the applicants sought instructions and made oral motion seeking permission to withdraw the application qua the applicant No.1. We allow the motion. Accordingly, the application stands disposed of as withdrawn with respect of the applicant No.1.

3. We have proceeded to hear the matter on merits completely with respect to the applicant Nos.2 to 4.

4. The marriage of the respondent No.2 was solemnized with the applicant No.1 on 22.02.2019. As per the allegations in the FIR, the respondent No.2 was treated well by the applicants initially for few days after the marriage. She alleges that some time after the marriage, the applicants started harassing her. It may be stated that as per the statements in the FIR, the respondent No.2 resided with the applicant Nos.2 to 4 at their house for a short period around two to three months

after marriage. Thereafter, she shifted to Mumbai to reside with her husband because the husband was in service in Mumbai. She alleges that the applicant Nos.2 to 4 also came to Mumbai to reside with them. The allegations in the FIR are principally against the applicant No.1/husband. She alleges that the husband had often shown his displeasure in respect of gold ring, which was presented to him by the parents of the respondent No.2 at the time of marriage. She alleges that he used to complain constantly that since the marriage of both the sisters was solemnized together, his family members and relatives did not get proper gifts and presents at the time of marriage. She also states that the husband used to harass and ill-treat her on the ground that she did not behave with his parents properly and also did not do household chores properly. She alleges that all these incidents of ill-treatment by the husband were brought to the notice to her parents in the month of February-2020 by her and thereafter, a meeting of family members of both parties was held, during which the husband assured that he would behave properly with the respondent

No.2. She states that her parents-in-laws also gave assurance that she will be treated properly.

5. As per the FIR, shortly thereafter, the applicant Nos.2 to 4 shifted to Devi Bhoire and the applicant No.1-husband and respondent no.2 stayed back in Mumbai. Thereafter, she alleges that when her brother had started construction of his house, the applicant No.1/husband also started demanding of money by asking her to bring money from her parents for buying house in Mumbai. She also makes a grievance that when there was a Pooja organized in her parental house on 22.06.2022, the applicant Nos.1 to 4 did not attend the said function despite proper invitation. She alleges that thereafter, she went to her matrimonial house at village Devi Bhoire. However, the applicant Nos.2 to 4 did not even talk to her properly stating that she will have to stay along with them at village Devi Bhoire. She alleges that her ornaments were also taken up by her in-laws. She alleges that she was abused, beaten and kept starving by her in-laws. She is residing along with her parents since June-2022. Thereafter, she approached

Women Grievance Redressal Cell for ventilating her grievance and also to attempt to arrive at amicable settlement. However, the applicant Nos.1 to 4 did not turn up in order to explore any possibility of settlement. In such circumstances, she has lodged the present FIR against the applicant Nos.1 to 4.

6. The respondent No.1 has registered the offence on the basis of such allegations and after completing the investigation filed charge-sheet in the matter vide Final Report No.79 of 2023. Pursuant to this, RCC No.135 of 2023 is registered against the applicants, which is pending for adjudication before the learned Judicial Magistrate First Class, Parner.

7. As is apparent from the FIR, the principal grievance of the respondent No.2 is against her husband. The respondent No.2 was residing with her husband in Mumbai, whereas the applicant Nos.2 to 4 were residing at village Devi Bhoire. The applicant Nos.2 to 4 did not interfere in routine life of the applicant No.1 and the respondent No.2.

8. It appears that the applicant Nos.2 to 4 have been

unnecessarily implicated in the matter. The allegations in the FIR against the applicant Nos.2 to 4 are not relating to demand of dowry. There are allegations of general nature regarding hurling abuses and beating against them. However, the FIR does not disclose any particulars with respect to these allegations. The respondent no.2 has not mentioned the number of occasions on which such incidents had occurred. She has not mentioned the date/s of such incident/s. Leave apart the date and time, even the tentative period is not mentioned. The allegations against the applicant Nos.2 to 4 are not confidence inspiring. It appears that the applicant Nos.2 to 4 have been unnecessarily implicated in the matter. As stated above, there are no allegations with respect to demand of dowry against them. The said allegation is against the applicant No.1 only. Therefore, the case of the applicant Nos.2 to 4 does not fall under clause (b) of explanation to Section 498A of the IPC, which defines the term 'cruelty' for the purpose of said section. The allegations against the respondent nos. 2 to 4 even if assume to be completely true and correct,

would not of such a nature as is likely to drive the respondent No.2 to commit suicide or to cause grave injury or danger to life, limb or health, mentally and physically of the respondent No.2.

9. Since the allegations taken on their face value are insufficient to make out the essential ingredients of Section 498A of the IPC continuation of the prosecution against the applicant Nos.2 to 4, it will yield no fruitful result; rather it will be a futile exercise. Forcing the person to face criminal prosecution, where the allegations taken on its face value do not constitute the offence amounts to abuse of legal process.

10. We are therefore, of the considered opinion that having regard to the nature of allegations against them, continuation of prosecution against the applicants Nos.2 to 4 will amount to abuse of the legal process. The present case is another example of unnecessary implication of family members of the estranged husband in offence under Section 498A of the IPC.

11. We therefore, deem it appropriate in the interest of

justice to quash the FIR and Criminal proceeding pending against the applicant Nos.2 to 4. Hence, the following order:

(i) The application is partly **allowed**.

(ii) The First Information Report (FIR) vide Crime No.172 of 2023 dated 04.03.2024 registered at Parner Police Station, Tahsil Parner, District Ahmadnagar for the offence punishable under Sections 498A, 323, 504 and 506 read with Section 34 of the Indian Penal Code along with charge-sheet No.79 of 2023 and the Regular Criminal Case No.135 of 2023 pending on the file of the learned Judicial Magistrate First Class, Parner, District Ahemadnagar, are quashed and set aside against the applicant Nos.2 to 4, namely Shobha Balwant Londhe, Balwant Sukhdeo Londhe and Prathamesh Balwant Londhe, respectively.

(iii) The application is disposed of as withdrawn with respect to applicant No.1/Sonal Balwant Londhe.

(ROHIT W. JOSHI, J.)

(SMT. VIBHA V. KANKANWADI, J.)