



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 430 OF 2024

1. Abhishek Hanumant Salunke
2. Hanumant Atmaram Salunke
3. Surekha Hanumant Salunke
4. Pooja Ashok Dalve
5. Sanjay Baburao Karangal ...Applicants

versus

1. The State of Maharashtra
2. Sau Sheetal Abhishek Salunke ...Respondents

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Mr. L.V. Sangit, advocate for the applicants

Smt. P.R. Bharaswadkar, A.P.P. for respondent No.1

Mr. N.D. Kendre, advocate for respondent No.2

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**CORAM : SMT. VIBHA KANKANWADI AND
SANJAY A. DESHMUKH, JJ.**

DATED : 7th FEBRUARY, 2025

PER COURT (PER SANJAY A. DESHMUKH, J.):-

1. The applicants, by way of this application, filed under Section 482 of the Code of Criminal Procedure, 1973, are seeking quashment of F.I.R. No. 333 of 2022, registered with M.I.D.C. police Station, Latur for the offences punishable under Sections 498-A, 323, 504, 506 r.w. 34 of I.P.C. as well as the consequential criminal case bearing R.C.C. No. 994 of 2022, pending before the 6th Joint Judicial Magistrate, First Class, Latur.

2. Learned advocate for the applicants has taken us through the F.I.R., wherein it is contended that, the informant Sheetal got married with applicant No.1 Abhishek Hanmant Salunke on 26.04.2018. In the said marriage, the father of the informant gave an amount of Rs.3,25,000/- towards dowry to applicant No.1. It is further contended that an amount of Rs.11,000/- for dress, three (03) tola gold and other household articles were also given in the said marriage. Out of the said wedlock, the informant blessed with a girl child. After giving birth to the said girl child, the applicants started harassing her by saying that she is not cooking the foods properly and that she does not look so good. They used to ask the informant to bring an amount of Rs.5,00,000/- from her father for purchasing a new four wheeler and on that count started abusing her mentally as well as physically. They used to beat her with fist and kick blows. When the informant told about the said incidents to her father, her father and maternal uncle came to her matrimonial home at Aurangabad and attempted to mediate with her in laws, but they failed to respond positively. On 19.07.2021, the informant made a complaint to the Women's Grievance Redressal Cell. Even there, the applicants were given understanding, but there was no improvement in their behaviour. Thereafter, the applicants continued to harass the informant mentally and physically by keeping her on starvation, abusing her, beating her with fist and kick blows and giving threats to

kill her. Hence, being tired with the harassment at the hands of the applicants, the informant on 12.06.2022 went to reside at her parental home at Chincholirao Wadi. It is with these allegations, the informant lodged the complaint.

3. Learned advocate for the applicants submits that there are no specific allegations against the present applicants. All allegations are omnibus and general in nature. The informant is in habit of filing complaints against the applicants. She had filed complaint with Cidco N-7, police station, Aurangabad, however, which was subsequently withdrawn by recording a statement that nothing, as stated in the complaint, was happened and the false complaint was given by her. Even on earlier occasion also, the informant had left the matrimonial house, but at the instance of elderly persons, she came for cohabitation. All these applicants are relatives and there is no evidence against them. He further submits that the applicants have been falsely implicated in the crime. Therefore, he prayed to quash the report as well as the charge sheet.

4. Learned A.P.P. for respondent No.1 State strongly opposed the application by submitting that the applicants have treated the informant with cruelty, physically as well as mentally. The names of the applicants are mentioned in the report. The specific roles are

attributed to each of the applicants. They cannot be exonerated from the criminal liability. It is lastly prayed to reject the application.

5. Learned advocate for respondent No.2-informant submits that the names of the applicants are mentioned in the report with specific role attributed to them in respect of demand of Rs.5,00,000/- for purchase of new four wheeler as well as the harassment at the hands of the applicants. The applicants have treated the informant with cruelty, which constitute the offences referred in the F.I.R. Learned advocate therefore, prays to reject the application.

6. Upon perusal of F.I.R. as well as the charge sheet, it appears that the informant is in habit of making complaints against the in-laws and more particularly the applicants. On earlier occasion also, she had filed a false complaint with Cidco N-7, police station, Aurangabad, however, the same was subsequently withdrawn by recording a statement that whatever stated in the said complaint was not happened and false complaint was filed by her. It also appears that previously, the informant had left the matrimonial house, but by the intervention of elderly persons, she returned for cohabitation. There are no such specific allegations against the applicants. It thus appears that the applicants have been falsely implicated in the crime. The allegations made against the applicants are vague and general

in nature. In order to constitute the offences which are invoked against the applicants, no specific nature of cruelty is pointed out. The vague allegations are made against them. In such circumstances, if the applicants are compelled to face the trial, it would be certainly an abuse of process of law. Therefore, we are inclined to allow the application. Hence, the following order:-

O R D E R

- I. The application is allowed.
- II. The F.I.R. No. 333 of 2022, registered with M.I.D.C. police Station, Latur, for the offences punishable under Sections 498-A, 323, 504, 506 r.w. 34 of I.P.C. as well as the consequential criminal case bearing R.C.C. No. 994 of 2022, pending before the 6th Joint Judicial Magistrate, First Class, Latur are quashed.

(SANJAY A. DESHMUKH, J.) (SMT. VIBHA KANKANWADI, J.)

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