



{1}

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 750 OF 2023

1. Dharmaraj Vinayak Jadhav
Age 40 years, Occu.: Advocate,
R/o. Gat No.862, Plot No.35/36,
Flat No.305, S2 Iris, Bakuri Road,
Yashwantnagar, Wagholi, Tq. Haveli,
Dist. Pune.
2. Priti W/o. Dharamaraj Jadhav,
Age: 33 years, Occu.: Housewife,
R/o. As above.
3. Mangal W/o. Ankush Jadhav,
Age: 40 years, Occu.: Housewife,
R/o. Building No.45/11, Yamuna Nagar,
Parishram Housing Society, Nigdi, Pune.
4. Ankita D/o. Ankush Jadhav,
Age: 19 years, Occu.: Education,
R/o. As above.

VERSUS

1. The State Of Maharashtra
(Through the Police Station,
Renapur, Dist. Latur)
2. Prerna W/o. Dinesh Jadhav,
Age: 25 years, Occu.: Housewife,
R/o. Kumbhari, Tq. Renapur,
Dist. Latur.

.....
Mr. Ganesh J. Kore, Advocate for Applicants
Mr. V.K. Kotecha, APP for Respondent No.1 – State
Mr. S.S.Shinde, Advocate for Respondent No.2
.....

{2}

**CORAM : SMT. VIBHA KANKANWADI AND
HITEN S. VENEGAONKAR, JJ.**

DATE : 08 SEPTEMBER, 2025

PER COURT :-

1. Present application has been filed for quashment of the proceedings in Regular Criminal Case No.55 of 2022, pending before the learned Judicial Magistrate, First Class, Renapur, District Latur, arising out of FIR vide C.R. No.489 of 2021 dated 11.12.2021 registered with Renapur Police Station, District Latur for offences punishable under Sections 498-A, 323, 504, 506 read with Section 34 of the Indian Penal Code (IPC).

2. Heard. In order to cut short, it can be stated that all of them have argued in support of their respective contentions.

3. After going through the entire charge-sheet, the undisputed facts are that respondent No.2/informant married original accused No.1 on 08.03.2020. Present applicant No.2 is the sister-in-law (husband's sister), applicant No.1 is the husband of applicant No.2, applicant No.3 is the maternal aunt of the husband, and applicant No.4 is the daughter of applicant No.3. It is further not in dispute that all the applicants reside in Pune, whereas the matrimonial home of respondent No.2 is at Khamaswadi, Taluka Kallam, District Osmanabad.

4. In the FIR, the informant stated that after the marriage she was treated properly by her husband and in-laws for about two months. Thereafter, they started demanding an amount of Rs.2,00,000/- for the purchase of a tractor. She informed her father about the said demand, and thereafter her father gave an amount of Rs.2,00,000/- on the festival of *Rakshabandhan*, and it is stated to have been in the presence of one Dr. Kumbhar. She further stated that thereafter the other accused, including the present applicants started saying that whether a new tractor could be purchased for an amount of Rs.2,00,000/-, and then they started demanding an additional amount of Rs.5,00,000/-. She was then subjected to physical and mental harassment and was made to stand in the sun. It is alleged that she was abused, assaulted, and subjected to starvation. She disclosed the said facts to her father and, in August 2020, her relatives came to Khamaswadi, where, in the presence of the Police Patil and the said Dr. Kumbhar, mediation was tried. However, the members of her matrimonial home refused to allow the informant to cohabit and continued to harass her. Thereafter, on 22.08.2020 at around 2.00 p.m., after taking her ornaments, her husband left her at her parental home and told her that unless she brings an amount of Rs.5,00,000/-, she should not return to the matrimonial home.

5. The first and foremost fact that is required to be noted here is that, as against the present applicants, who are normally residents of Pune. But then, it has not been stated why they came to Khamaswadi after Rakshabandhan, and for how many days they stayed there is also kept vague. All the allegations against them are vague and omnibus. As regards the payment of Rs.2,00,000/- is concerned, the allegation is directed against other persons, as the informant has stated that after the said amount was given, her father returned home, and thereafter a further demand of Rs.5,00,000/- was raised. The statements of witnesses, i.e. father, mother, paternal uncle and said Dr. Kumbhar are on the same line. Though Dr. Kumbhar has stated that the amount of Rs.2,00,000/- was given in his presence, he has specified that it was given to the husband and the parents-in-law in his presence. He has not stated that the present applicants were present on that day. With these omnibus allegations, it cannot be said that the ingredients of the offence punishable under Section 498-A of the IPC are attracted.

6. Learned Advocate for respondent No.2 relying on the affidavit-in-reply filed by respondent No.2, which is nothing but a reproduction of the FIR and the contents of the complaint application dated 29.10.2021 submitted by respondent No.2 to the Women Redressal Forum, Latur, and submits that the said complaint before the Women Redressal Forum

{5}

gives detailed particulars as to how respondent No.2 was treated with cruelty by all the accused persons. Here, we would like to say that the same complaint before the Women Redressal Forum cannot be considered as an FIR as contemplated under Section 154 of the Cr.P.C. As the Forum is different and it was created to see whether settlement is possible, that means it was for mediation and the contents thereby then cannot be used for any purposes. There was no hurdle for respondent No.2 to reproduce or state the same facts which she had mentioned in her complaint before the Women Redressal Forum. However, we are bound to restrict ourselves to the FIR in the present case, which has been registered vide C.R. No.489 of 2021.

7. Since the allegations against the present applicants are vague and omnibus, and it appears that no specific role has been attributed to them that would amount to cruelty as defined under Section 498-A of the IPC, and considering that the other offences are non-cognizable, a case is made out for interference under Section 482 of the Cr.P.C.

8. We therefore proceed to pass the following order.

ORDER

(i) Criminal Application stands allowed.

{6}

- (ii) The proceedings in R.C.C. No.55 of 2022 pending before the learned Judicial Magistrate, First Class, Renapur, District Latur, arising out of the First Information Report vide C.R.No.489 of 2021 dated 11.12.2021, registered at Renapur Police Station, District Latur, for offences punishable under Sections 498-A, 323, 504, 506, and 34 of the IPC, stand quashed and set aside as against applicant Nos. 1 to 4, namely: 1) Dharmaraj S/o. Vinayak Jadhav, 2) Priti W/o. Dharmaraj Jadhav, 3) Mangal W/o. Ankush Jadhav and 4) Ankita D/o. Ankush Jadhav.

[HITEN S. VENEGAVNKAR]
JUDGE

[SMT. VIBHA KANKANWADI]
JUDGE

S P Rane