



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

CRIMINAL APPLICATION NO. 1040 OF 2023

1. Nitin s/o Gautam Bhalerao,
Age-34 years, Occu. Private Job,
R/o SSC Defence Carrer Academy,
Bajajnagar, Pratap Chowk,
Waluj, Aurangabad.
2. Mathurabai Gautam Bhalerao,
Age-76 years Occu,. Household,
R/o Anjani Kh., Tq- Lonar,
Dist-Buldhana.
3. Gautam Dagdu Bhalerao,
Age- 80 years Occu,. Nil,
R/o Anjani Kh., Tq- Lonar,
Dist- Buldhana.
4. Bharti Gautam Bhalerao,
Age-31 years Occu,. Household,
R/o Anjani Kh., Tq- Lonar,
Dist-Buldhana.
5. Arti Gautam Bhalerao,
Age-29 years Occu,. Education,
R/o Anjani Kh., Tq- Lonar,
Dist-Buldhana.
6. Jyoti Subhash More,
Age-37 years Occu,. Household,
R/o G No. 73, Plot No. 316 B-2,
Manjit Pride, Cidco Waluj-Mahanagar 1,
Tisgaon, Aurangabad.

... Applicants

Versus

1. The State of Maharashtra,
Through: The Police Station officer,
Hasnabad Police Station,
Taluka- Bhokardan, District-Jalna.

2. Manisha Nitin Bhalerao
Age-26 yrs, occu. Service,
R/o c/o Sukhdeo Govindrao Magare,
Rajur, Tq. Bhokardan
Dist- Jalna.

... Respondents

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Mr. Sanjay D. Kotkar, Advocate for Applicants.

Mr. A. R. Kale, APP for Respondent No.1 / State.

Mr. Akshay Subhash Tilve, Advocate for Respondent No.2.

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

DATE : 05th February, 2025.

ORDER: (Per Sanjay A. Deshmukh, J.)

. Heard the learned advocates for the respective parties.

2 Leave to correct prayer clauses (B) and (C). Amendment
be carried out within two weeks from today.

3 This is an application under Section 482 of the Code of
Criminal Procedure, 1973 (for short "the Cr.P.C.") for quashing the
proceedings in R.C.C. No.487 of 2022, pending in the Court of the
learned Judicial Magistrate First Class, Bhokardan, arising out of FIR
bearing C.R. No.271 of 2022, dated 15th November, 2022, registered

with Hasnabad Police Station, District Jalna, for the offence punishable under Sections 498-A, 323 and 504 read with 34 of the Indian Penal Code (for short “the IPC”) and under Sections 3 and 4 of the Dowry Prohibition Act.

4 On 23rd March, 2023, the learned counsel for applicants did not press the application of applicant No.1. Therefore, the application of applicant No.1 – husband is disposed of as not pressed.

5 The informant averred in the report that she married with accused No.1 on 22nd February, 2022. She was treated well for one month. Thereafter, the applicants frequently treated her with cruelty by abusing. Her husband used to beat her on the instigation of applicant Nos.2 to 6. Her husband was serving in one academy. He was willing to start a new academy. Therefore, he demanded Rs.20,00,000/- to the informant. For that, he used to beat and abuse her. The applicants were also treating her with cruelty. She used to tell that fact to her parents. But, even after her parents convinced the applicants, they insisted for Rs.20,00,000/- for starting new academy. On 20th may, 2022, she was expelled from house as she could not bring Rs.20,00,000/- by assaulting and by abusing. She called her parents and went to her parents’ house. On 12th September, 2022, she applied to the Bharosa Cell at Jalna for compromise. However, the

compromise could not take place there. Therefore, she lodged the report.

6 The learned counsel for the applicants submitted that the FIR is vague in nature. False allegations have been made against the applicants. Applicant Nos.2 to 5 are residing at Anjani (Kh.), Taluka Lonar, District Buldhana. Applicant No.6 is married and residing with her husband at Cidco Waluj-Mahanagar, Tisgaon, Aurangabad. He further submits that no specific incident of causing of alleged cruelty is stated by the informant. The applicants are falsely implicated in the crime. He lastly prayed to allow the application.

7 The learned APP strongly opposed the application and submitted that the names of the applicants are mentioned in the report. There is *prima-facie* strong evidence against the applicants. It is lastly prayed to reject the application.

8 The learned counsel for respondent No.2 also strongly opposed the application and submitted that applicants have frequently demanded Rs.20,00,000/- to the informant for starting new academy. They are involved in the crime. Applicant Nos.2 to 6 have instigated the husband of the informant and on their say the husband of the informant used to harass the informant. There is sufficient evidence

against applicant Nos.2 to 6. He lastly prayed to reject the application.

9 On perusal of report, it appears that the allegation of demand of Rs.20,00,000/- is against the husband of the informant. As far as applicant Nos.2 to 6 are concerned, though there are allegations of cruelty caused by them, there is no specific incident to state that they have harassed the informant by demanding Rs.20,00,000/- for starting new academy. Applicant Nos.2 to 5 are residing at Anjani (Kh.), Taluka Lonar, District Buldhana. Applicant No.6 is residing with her husband at Cidco Waluj-Mahanagar, Tisgaon, Aurangabad. The informant was residing with her husband at Bajaj Nagar, Pratap Chowk, Waluj, Aurangabad.

10 On perusal of the report, it is crystal clear that vague and omnibus allegations are made against the applicants. The essential ingredients of cruelty as contemplated by Section 498-A of the IPC are not establishing. Considering all these aspects, it appears that there is no substance in the allegations made by the informant against applicants Nos.2 to 6 in the report. In such circumstances, if applicants Nos.2 to 6 are compelled to face the trial, it would certainly be an abuse of the process of Court. Therefore, we are inclined to allow the application. Hence, the following order:-

ORDER

- I. The application in respect of applicant No.1 is disposed of as not pressed.
- II. The application is allowed in respect of applicant Nos.2 to 6 in terms of prayer clause (B).
- III. The application stands disposed of.

[SANJAY A. DESHMUKH, J.] [SMT. VIBHA KANKANWADI, J.]

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