



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

CRIMINAL APPLICATION NO. 1355 OF 2023

1. Ratnabai Kaduba Jadhav
Age : 57 years, Occ : Household,
Residing at C/o. Keshavrao Dashrath Jadhav
Daulatabad, Tq. & Dist. Aurangabad.
2. Shubham Kaduba Jadhav
Age : 26 years, Occ : Service,
Residing at Kumbharwada, Daulatabad,
Tq. & Dist. Aurangabad.
3. Archana Dipak Waykar
Age : 29 years, Occ : Household,
Residence at Daulatabad,
Tq. & Dist. Aurangabad.
4. Ramesh Bahiru Sonwane
Age : 42 years, Occ : Govt. Servant,
Residing at House No.210,
Subhash road, Kumbharwada,
Tq. & Dist. Nashik
5. Anuradha Chandrabhan Jadhav
Age : 45 years, Occ : Household,
Residing at Kumbharwada, Daulatabad,
Tq. & Dist. Aurangabad.

..APPLICANTS

-VERSUS-

1. The State of Maharashtra,
Through the Police Inspector,
Police Station, Newasa,
Dist. Ahmednagar.
2. Sonali Rahul Jadhav
Age : 23 years, Occ : Household,
Residing at village Shirasgaon,
Tq. Newasa, Dist. Ahmednagar.

..RESPONDENTS

Advocate for the applicants : Mr. Ashok D. Raut h/f Mr. Arun S. Shejwal
APP for Respondent- State : Mrs. R.P. Gour
Advocates for Respondent No.2 : Mr. Vijay R. Langhe and Ms. Pooja V. Langhe

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**CORAM : SMT. VIBHA KANKANWADI AND
ROHIT W. JOSHI, JJ.**

**RESERVED ON : 13th DECEMBER, 2024
PRONOUNCED ON : 3rd JANUARY, 2025**

JUDGMENT (PER ROHIT W. JOSHI, J.) :

. The present criminal application is filed under Section 482 of the Code of Criminal Procedure, *inter alia* praying to quash F.I.R. No.74/2023 dated 26.01.2023 registered with the Police Station, Newasa, Dist. Ahmednagar, for offences punishable under Sections 498-A, 323, 504, 506 read with Section 34 of the Indian Penal Code along with Regular Criminal Case No.143/2023 pending on the file of learned Judicial Magistrate, First Class, Newasa.

2. Respondent No.2 is the informant. The applicants are related to respondent No.2 as under :-

Applicant No.1 – mother-in-law
Applicant No.2 – brother-in-law
Applicant No.3 – married sister-in-law
Applicant No.4 – husband of sister-in-law
Applicant No.5 – Cousin mother-in-law

The husband, who is accused No.1, is not a party in present petition.

3. The contents of F.I.R. lodged by Respondent No.2 are as under :-

Sr. No.	Date	Particulars of Events
1.	31.05.2021	Marriage of respondent No.2 solemnized with Accused No.1.
2.		The husband/accused No.1, mother-in-law/accused No.2, father-in-law and respondent No.2 resided together.
3.		For initial three months everything was normal.
4.		Thereafter, accused No.2 asked her to do all the household chores and used to frequently abuse her stating that parents had not given dowry of Rs.2,00,000/- at the time of marriage and used to illtreat her for this reason.
5.		Accused No.1 – husband had an extra marital affair with a lady. This relationship was exposed when respondent No.2 checked mobile phone of her husband. When she informed the applicants about this, they all abused her and had beaten her and thereafter intermittently did not provide food to

		her.
6.	01.07.2022	Respondent No.2 delivered a girl child.
7.	August, 2022	A few days after, respondent No.2 delivered child at her maternal house, her mothers and maternal uncle had accompanied her to house of her in-laws to drop her.
8.		It is alleged that at that time, in-laws stated that since dowry of Rs.2,00,000/- was not paid and respondent No.2 has delivered a girl child, they would not allow her to stay with them in her matrimonial house.
9.		However, she stayed at her matrimonial home from August, 2022 despite opposition of the in-laws.
10.	13.11.2022	With increase in harassment, she left the matrimonial home and went to reside at her parental house.
11.	26.01.2023	Thereafter, she has lodged F.I.R.

4. The major allegation in the FIR is against the husband. It appears from the contents of the FIR that there was matrimonial discord between respondent No.2 and her husband, Accused No.1.

On this count, the relations got strained.

5. It is apparent from the contents of the FIR itself that respondent No.2 was residing at her matrimonial home along with her husband and parents-in-law. Applicant Nos.2 to 5 were not residing with respondent No.2. There are no allegations worth mentioning against applicant Nos.2 to 5. There is only one omnibus allegation that they had abused and beaten her when she had disclosed about extra marital affair of her husband to them. The particulars of this incident are conspicuously silent in the FIR. There is no allegation of demand of dowry against applicant Nos.2 to 5. Applicant No.2 is brother-in-law. Applicant No.3 is married sister-in-law. Applicant No.4 appears to be husband of another sister-in-law. His wife is not arrayed as accused. FIR is silent about wife of applicant No.4. Applicant No.5 is wife of brother of father-in-law of respondent No.2, who is also residing separately.

6. The above facts clearly indicate that the allegations against applicant Nos.2 to 5 are not with respect to demand for dowry. The only allegation is that they had illtreated respondent No.2 for doubting character of her husband. These allegations are also absolutely vague. The allegations, even if assumed to be true, do not attract ingredients of offence under Section 498-A of the IPC. There is absolutely no reason for allowing the prosecution to continue against applicant Nos.2

to 5. Implication of applicant nos.2 to 5 is clearly abuse of the process of criminal law. The application deserves to be allowed with respect to applicant Nos.2 to 5.

7. As regards applicant No.1, mother-in-law, respondent No.2 has stated that she used to illtreat her after around a period of 2-4 months from the date of marriage and used to constantly state that her parents had not paid dowry of Rs.2,00,000/-. She has further alleged that in August, 2022, when her mother and maternal uncle had accompanied her to her matrimonial home to drop her after delivery of child, she had again raised demand of dowry of Rs.2,00,000/-. Family members of respondent No.2 including her maternal uncle have also in their statements recorded under Section 161 of Cr.PC. reiterated allegations of demand of dowry of Rs.2,00,000/-. In view of these allegations, we are of the opinion that FIR need not be quashed against applicant No.1, mother-in-law. Learned counsel for the applicants has argued with vehemence that the allegations are levelled only in order to falsely implicate the mother-in-law in order to exert pressure on the husband. He states that the intent of respondent No.2 is apparent on the face of record. However, we are of the opinion that since the allegations have been levelled against the mother-in-law and scope of inquiry under Section 482 of the Cr.PC. is very limited, we can not

assess the correctness or otherwise of the allegations. Applicant No.1 may have a case on merits at the stage of trial, but having regard to the restricted scope of Section 482 of Cr.PC., we are not inclined to grant any relief to her. Consequently, we pass the following order :-

ORDER

- (i) The application is partly allowed.
- (ii) The application qua applicant No.1-Ratnabai Kaduba Jadhav stands rejected.
- (iii) F.I.R. No.74/2023 dated 26.01.2023 registered with the Police Station, Newasa, Dist. Ahmednagar, for offences punishable under Sections 498-A, 323, 504, 506 read with Section 34 of the Indian Penal Code along with Regular Criminal Case No.143/2023 pending on the file of learned Judicial Magistrate, First Class, Newasa, are hereby quashed against applicant No.2-Shubham Kaduba Jadhav, applicant No.3 - Archana Dipak Waykar, applicant No.4 - Ramesh Bahiru Sonwane and applicant No.5 - Anuradha Chandrabhan Jadhav.

[ROHIT W. JOSHI]
JUDGE

[SMT. VIBHA KANKANWADI]
JUDGE

K.Komal/