



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

CRIMINAL APPLICATION NO.1544 OF 2022

- 1) Deepak S/o Premchand Agrawal (Husband),
Age-31 years, Occu:Private Service,
- 2) Manju Premchand Agrawal
(Mother-in-law),
Age-59 years, Occu:Housewife,

**(As per order dated 20th October 2022,
Application as regards Applicant Nos.1
and 2, came to be dismissed as withdrawn)**

- 3) Premchand Parasram Agrawal,
(Father-in-law),
Age-63 years, Occu:Retired,
All R/o-Row House No.6,
Behind Orange City Best Prize Mall,
Paithan Road, Tq. and Dist-Aurangabad,
- 4) Yogesh Premchand Agrawal,
(Brother-in-law),
Age-34 years, Occu: Private Service,
R/o-C/o-G. Raghuvendra,
Shri Ketki Nilavam, Plot No.898,
Siddiq Nagar, Hyderabad- 500 084,
- 5) Dilip Madanlal Varma @ Kumavat,
Age-63 years, Occu:Contractor,
R/o-Ashtvinayak Enclave,
Nearby Shrimaya, Bansilal Nagar,
Aurangabad.

...APPLICANTS

VERSUS

- 1) The State of Maharashtra,
Through P.S. Jintur, Parbhani,
Tq-Jintur, Dist-Parbhani,

2) Shradha W/o Deepak Agrawal,
Age-31 years, Occu:Service,
R/o-C/o-Pradeep Agrawal,
Market Yard, yeldari Road,
Jintur, Tq-Jintur, Dist-Parbhani.

...RESPONDENTS

...
Mr. B.N. Magar Advocate for Applicant Nos. 3, 4 and 5.
Mr. A.D. Wange, A.P.P. for Respondent No.1.
Mr. R.L. Chhabda Advocate for Respondent No.2.
...

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

DATE OF RESERVING ORDER : 28th JANUARY 2025

DATE OF PRONOUNCING ORDER : 14th FEBRUARY 2025

ORDER [PER SMT. VIBHA KANKANWADI, J.] :

1. Present Application has been filed, initially for quashing the First Information Report (for short "the FIR") vide Crime No. 105 of 2022 registered with Police Station, Jintur, Taluka-Jintur, District-Parbhani on 31st March 2022, for the offence punishable under Sections 498-A, 406, 323, 504, 506 read with Section 34 of the Indian Penal Code, and by way of amendment for quashing the proceedings in R.C.C. No. 272 of 2022 pending before the learned Judicial Magistrate First Class, Jintur, Taluka-Jintur, District-Parbhani.

2. It will not be out of place to mention at the beginning itself that when this Court was not inclined to grant any relief to applicant No.1 – husband and applicant No.2 – mother-in-law, learned Advocate for the applicants sought withdrawal of the application to the extent of applicant Nos. 1 and 2, therefore, as per order dated 20th October 2022, Application as regards Applicant Nos.1 and 2 came to be dismissed as withdrawn. The matter proceeded for the reliefs claimed by applicant Nos. 3 to 5.

3. Heard learned Advocate Mr. Magar for applicant Nos. 3 to 5, learned APP Mr. Wange for respondent No.1 and learned Advocate Mr. Chhabda for respondent No.2. Perused the affidavit-in-reply of respondent No.2. In order to cut short, it can be stated that the learned Advocates appearing for the respective parties have argued in support of their contentions.

4. Respondent No.2 – informant got married to original applicant No.1 on 19th March 2020. She states that she was treated properly only for 15 days and thereafter since 5th April 2020, she was harassed by the applicants on trifle issues. She states that the applicants started demanding an amount of

Rs.5,00,000/- to be brought by her from her parents for purchasing the house at Hyderabad for her brother-in-law i.e. applicant No.4. Threats were given to kill her and to perform second marriage of her husband, taking doubts on her character and abusing her. It is to be noted that now the present Application is only for the reliefs claimed by applicant No.3 – father-in-law, applicant No.4 – brother-in-law and applicant No.5, who is not related at all. Important point is that applicant No.4 is the elder brother of applicant No.1, who resides at Hyderabad in connection with his service. The informant has not given the details since when applicant No.4 is residing at Hyderabad. Further she has not stated, whether the amount of consideration was short by Rs.5,00,000/- and therefore, the demand was made, because it is impossible to get a reasonable house for Rs.5,00,000/- in Hyderabad. Now, in her affidavit-in-reply respondent No.2 states that during Covid-19 situation applicant No.4 was working from home i.e. from Aurangabad and she has prayed for collection of the mobile tower location of applicant No.4. Though such statement that applicant No.4 was working from home in Covid-19 situation has been made by respondent No.2 or by the witnesses but when the charge-sheet is filed, there is nothing in the charge-sheet to show that

applicant No.4 was in Aurangabad for a considerable time. He might be coming for visit to his parents, but that cannot be counted. Such addition made afterwards cannot be considered in favour of the informant.

5. As regards father-in-law is concerned, the allegations are made that he used to instigate the husband and was making allegations that the informant is unable to cook food and is not good looking. He was insisting that gold ring should have been given to applicant No.1 on the occasion of his birthday and on that count, father-in-law has abused her. This cannot be an act of cruelty within the definition of Section 498-A of the Indian Penal Code. If that demand of gold ring was there on account of birthday of applicant No.1, that would have been restricted to that year only and cannot be carried forward. The other allegations are omnibus. So far as Applicant No.5 is concerned, he is not at all related, might be a family friend, but he cannot be arrayed under Section 498-A of the Indian Penal Code.

6. The statements of the witnesses are on the same line and mainly based on the information that was passed on by the informant. Note can be taken that lock-down started from 22nd

March 2020 and as aforesaid, the marriage between applicant No.1 and respondent No.2 had taken place on 19th March 2020. Thus, when there were restrictions on the mobility of the public at large and people were confined in the house, possibility of verbal exchanges and daily wear and tear in the marital life cannot be ruled out. But those acts then cannot be termed as cruelty as defined under Section 498-A of the Indian Penal Code and therefore, the application as against applicant Nos. 3, 4 and 5 deserves to be allowed in the exercise of powers under Section 482 of the Code of Criminal Procedure. Hence, following order:-

ORDER

(I) The Applications stands allowed.

(II) The proceedings in R.C.C. No. 272 of 2022 pending before the learned Judicial Magistrate First Class, Jintur, Taluka-Jintur, District-Parbhani, arising out of the First Information Report vide Crime No. 105 of 2022 registered on 31st March 2022, with Police Station, Jintur, Taluka-Jintur,

District-Parbhani, for the offence punishable under Sections 498-A, 406, 323, 504, 506 read with Section 34 of the Indian Penal Code, stands quashed and set aside as against applicant Nos. 3 to 5 i.e. - 3) Premchand Parasram Agrawal, 4) Yogesh Premchand Agrawal and 5) Dilip Madanlal Varma @ Kumavat.

[SANJAY A. DESHMUKH]
JUDGE

[SMT. VIBHA KANKANWADI]
JUDGE

asb/FEB25