



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 1894 OF 2024

1. Sushant s/o Ashok Bhosale
Age 33 years, Occ. Private service
R/o. Benapur, Tq. Khanapur
District Sangli
Presently residing at Banainagar
Ambajogai, District Beed
(husband)
2. Ashwini w/o Prashant Bhosale
Age 32 years, Occ. Household
R/o. Municipal House No. 2-33-1
(Old No. 2-2901), Ganeshpar
Ambajogai, Tq. Ambajogai
District Beed
(sister in law)
3. Lata w/o Ashok Bhosale,
Age 60 years, Occ. Agriculture
R/o. Benapur, Tq. Khanapur
District Sangli
(mother in law)
4. Ashok s/o Bhimrao Bhosale
Age 65 years, Occ. Agriculture
R/o. Benapur, Tq. Khanapur
District Sangli
(father in law)
5. Prashant s/o Ashok Bhosale
Age 36 years, Occ. Business,
R/o. Municipal House No. 2-33-1
(Old No. 2-29-1), Ganeshpar
Ambajogai, Tq. Ambajogai
District Beed
(brother in law)

...Applicants

Versus

1. The State of Maharashtra

Through the Police Station Officer
Ambajogai City Police Station
District Beed

2. Amit s/o Manohar Shinde
Age 32 years, Occ. Service
R/o. Lonvire, Tq. Sangola
District Solapur

...Respondents

.....
Mr. T.G. Gaikwad, Advocate for the applicants
Mr. P.S. Patil, A.P.P. for the respondent No.1
Mr. Paresh B. Patil, Advocate for respondent No.2.

.....

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

DATED : 28th JULY, 2025

O R D E R (PER SANJAY A. DESHMUKH, J.) :-

1. Heard learned advocates for the respective parties.
2. This is an application filed under Section 482 of the Code of Criminal Procedure, 1973 (for short "the Cr.P.C.") for quashment of the F.I.R. No. 65 of 2024 registered with Ambajogai police Station, District Beed, dated 17.2.2024, for the offences punishable under Sections 306, 304-B, 498-A, 323, 504 and 506 r.w. 34 of Indian Penal Code, 1860 (for short "the I.P.C.") and the consequential criminal case bearing R.C.C. No. 164 of 2024 pending before the Judicial Magistrate, First Class, Ambajogai, District Beed.
3. The informant averred in the report that his sister

Bhagyashree was married with applicant No.1 on 08.05.2018. Initially, she was treated well for one year. Thereafter, Bhagyashree begot a daughter. All the applicants started to harass her and therefore, she came to her parental house and informed about the harassment to her parents. She informed that her husband assaulted her. Therefore, the informant took her for treatment in the hospital of Dr. Tamboli at Sangola. She was treated there. Bhagyashree again went for cohabitation. She used to make phone calls to the parents, the informant and her younger sister. She was harassed by the applicants for fetching an amount of Rs.15,00,000/- for purchase of agricultural land. She informed that the applicants are beating and frequently harassing her.

4. The informant further averred that the husband of Bhagyashree came at village Lonvire Tq. Sangola on 3.5.2023. At that time, the informant's father paid him Rs.2,00,000/- and convinced him not to harass Bhagyashree. Even thereafter, her harassment was continued.

5. The informant further averred that on 14.11.2023, Bhagyashree and her parents-in-law came for one function. At that time, also the father of the informant gave an amount of Rs.3,00,000/- to the father in law of Bhagyashree in presence of

Ashok Bhosale. They were convinced not to harass Bhagyashree. Thereafter also, the co-sister-in-law of Bhagyashree viz. Ashwini Bhosale, frequently started taunting by saying that dowry was not paid in her marriage and amount for purchase of agricultural land is also not given. The informant informed about the said incident to his father-in-law Vishnu Nanasaheb Gaikwad and his cousin brother Vilas Annasaheb Shinde. However, all the applicants continued to harass Bhagyashree for not bringing the amount for purchase of agricultural land. They beaten her and threatened to eliminate her. Therefore, Bhagyashree committed suicide on 13.2.2024 by hanging to the iron rod of window with the help of Saree. The fact was informed to the informant and the report was lodged on 17.2.2024 against the applicants.

6. Learned advocate for the applicants submitted that the allegations made against the applicants are false. The basic ingredients to constitute the cruelty are absent. The informant is taking disadvantage of suicidal death of his sister Bhagyashree and trying to blackmail the the applicants and extract the amount that spent on marriage of Bhagyashree. Learned advocate for the applicants lastly prayed to allow the application.

7. Learned A.P.P. for respondent No.1-State and learned

advocate for respondent No.2 informant strongly opposed the application by submitting that the applicants have treated the informant with cruelty, physically as well as mentally by frequently demanding Rs.15,00,000/- for purchasing of agricultural land. They cannot be exonerated from the criminal liability. It is lastly prayed to reject the application.

8. We have perused the charge sheet, particularly the report and statements of witnesses as well as the post mortem report and accidental death report. The statements of the witnesses, particularly Aishrawya Manohar Shinde- sister of Bhagyashree, her mother Parubai Manohar Shinde, father - Manohar Maruti Shinde, which are recorded under Section 164 of Cr.P.C. are very specific and clear that except applicant No.3-mother-in-law, all the applicants have frequently harassed Bhagyashree by demanding Rs.2,00,000/- and Rs.15,00,000/- for purchase of tunch machine and purchase of agricultural land. She was also harassed for not paying sufficient dowry in the marriage. The statements of witnesses are immediately recorded after lodging of the report. The essential ingredients of cruelty as stated in Section 498-A of I.P.C. that the married women has been treated with cruelty coupled with the demand which drives her to commit suicide are establishing against applicant Nos. 1, 2, 4 and 5.

9. To establish the abetment to suicide as stated in section 107 of I.P.C. there is material against the applicants, except applicant No.3-mother-in-law, that they instigated her to commit suicide by frequently harassing her for dowry amount and also for the amount of Rs.2,00,000/- and for amount of Rs.15,00,000/- for purchase of tunch machine as well as agricultural land, respectively. There is presumption under Section 113-A of the Indian Evidence Act which attracts to the case that Bhagyashree committed suicide within 7 years which is unnatural death. There is material against the applicants that they treated Bhagyashree with cruelty by making demand of amounts, which coerced her to commit suicide. Thus, the essential ingredients for abetment to commit suicide as per section 107 punishable under section 306 of I.P.C. are establishing against applicant Nos. 1, 2, 4 and 5.

10. To establish the dowry death as contemplated under section 304-B of I.P.C. there is reliable material in the form of statements of witnesses, in which they have stated that the applicant Nos. 1, 2, 4 and 5 harassed Bhagyashree frequently by saying that sufficient dowry was not given in the marriage of Bhagyashree. Further, there is presumption under Section 113-B of Indian Evidence Act that death of Bhagyashree is unnatural and it was caused by

suicide within seven years from the date of her marriage. Thus, there is material against applicant Nos. 1, 2, 4 and 5 which establishes dowry death has contemplated by section 304-B of I.P.C. The suicidal death of Bhagyashree has been occurred within seven years of her marriage. Therefore, the presumption under Sections 113-A and 113-B of the Indian Evidence Act attracts to the facts of the present case, which partially dispenses with proof of abetment to commit suicide and unnatural death i.e. dowry death. Therefore, report cannot be quashed against applicant Nos. 1, 2, 4 and 5.

11. As far as applicant Nos. 3 is concerned, her role is not specifically stated in the report or in the statement of the witnesses, as to how and when specifically she demanded money to Bhagyashree and abetted her to commit suicide. There is no such reliable material against applicant No.3. Therefore, on such vague and general allegations, compelling the applicant No.3-mother-in-law, to face the trial, would be an abuse of the process of the court. The case is made out for exercise of our powers under section 482 of the Cr.P.C. and therefore, we are inclined to allow the application of applicant No.3, in the interest of justice to prevent the abuse of the process of the Court. Hence, the following order:-

O R D E R

- I. The application stands partly allowed.
- II. The application stands rejected to the extent of applicant Nos. 1, 2, 4 and 5.
- III. The F.I.R. No. 65 of 2024 registered at Ambajogai police Station, District Beed, dated 17.2.2024, for the offences punishable under Sections 306, 304-B, 498-A, 323, 504, 506 r.w. 34 of I.P.C. and the consequential criminal case bearing R.C.C. No. 164 of 2024 pending before the Judicial Magistrate, First Class, Ambajogai, District Beed. are quashed and set aside to the extent of applicant No.3.

(SANJAY A. DESHMUKH, J.)

(SMT. VIBHA KANKANWADI, J.)

rlj/