



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 1664 OF 2023

1. Nikhil s/o Narayan Pathare
Age 36 years, Occ. Labour
R/o. Mohini Nagar, Kedgaon,
Tal. Karjat, District Ahmednagar
(husband)
2. Bebi w/o Narayan Pathare
Age 53 years, Occ. Household
R/o. As above
(mother in law)
3. Vishal s/o Narayan Pathare
Age 37 years, Occ. Service
R/o. As above
(brother in law)

...Applicants

Versus

1. The State of Maharashtra
Incharge Investigating Officer,
Karjat Police Station, Karjat
Tq. Karjat, District Ahmednagar
2. Bhagyashri w/o Nikhil Pathare
Age 32 years, Occ. Household
R/o. C/o. Bapusaheb Thakaji Hole
At Holewadi, Post. Chilwadi
Tq. Karjat, District Ahmednagar

...Respondents

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Mr. S.R. Andhale, Advocate for the applicants
Mr. A.D. Wange, A.P.P. for the respondent No.1
Mr. A.S. More, Advocate for respondent No.2.
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**CORAM : SMT. VIBHA KANKANWADI AND
SANJAY A. DESHMUKH, JJ.
DATED : 25th 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 quashing the criminal proceeding bearing R.C.C. No. 301 of 2022 pending before the Judicial Magistrate, First Class, Karjat, District Ahmednagar arising out of F.I.R. No. 788 of 2022 registered with Karjat police station, district Ahmednagar for the offences punishable under Sections 498-A, 323, 504 and 506 r.w. 34 of the Indian Penal Code, 1860 (for short "the I.P.C.")
3. The informant averred in the report that applicant No.1 is her husband, applicant No.2 is mother-in-law and applicant No.3 is her brother-in-law.
4. The informant averred in the report that she married with applicant No.1 on 4.7.2014. After marriage, she begot a son in the year 2015 and a daughter in the year 2019. Till then, she was treated well. But thereafter, the applicants started to demand Rs.50,000/- i.e. the balance amount of dowry fixed at Rs.1,00,000/-, at the time of marriage. The applicants continuously started to

harass her. The informant tried to convince them that her parents are not in a position to pay the said amount because of their poor financial condition and therefore, she cannot fetch the amount and her harassment was continued. The informant further averred that she came to know that her husband was having illicit relations with a girl. The husband used to hate her on that count. Because of financial crisis in the house, she joined a job with a Maruti Show Room in M.I.D.C. Ahmednagar. She used to complete all household chores in the morning and attend the job. However, her harassment was continued.

5. The informant further averred that on 13.10.2022, when she came back from her job in the evening, the applicants beaten her with fist and kick blows for an amount of Rs.50,000/-. The applicants hurled abuses by using filthy language. She was also starved. Therefore, alongwith her children, she went to her parents house at Holewadi, Chilwadi, Tq. Karjat, District Ahmednagar. There, she came to know that her husband lodged a missing report against her. She accordingly, went to the police station to close that missing report. Meanwhile, the applicants went to the house of her sister viz. Namita Vilas Jadhav, R/o. Baramati, District Pune. Since the sister of the informant was not at the house, the applicants abused her daughter by alleging that they concealed the informant. They

threatened her. Thereafter, the applicants went to another sister of the informant viz. Shobha Rupesh Borate and questioned her where is her sister i.e. the informant. She stated that she went to Nagar. They hurled abuses in filthy language and threatened her. The informant thereafter made a complaint to Women Grievance Redressal Cell at Karjat. The compromise could not be effected. Therefore, the report was lodged against the applicants.

6. Learned advocate for the applicants submitted that vague and baseless allegations are made against the applicants, without quoting the specific role of each of the applicants. The date and time of allegation of demand of amount of Rs.50,000/- towards the remaining dowry is also not specifically mentioned in the report. All allegations are vague and general in nature. There is a delay in lodging the report. From the charge sheet, it appears that all the witnesses whose statements are recorded are from the parental side of the informant. The said statements of the witnesses cannot prove that the harassment and cruelty has been caused to the informant. He further submits that the applicants have been implicated in the crime without any basis. Therefore, he prayed to quash the report as well as the consequential proceedings.

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

advocate for respondent No.2 strongly opposed the application by submitting that the applicants have treated the informant with cruelty, physically as well as mentally. There was a demand of Rs.50,000/- on the part of all applicants towards the remaining dowry and on account of non fulfillment of the said demand, the applicants have treated the informant with cruelty and have abused, starved and beaten her. The applicants have caused harassment to the informant mentally as well as physically. The names of the applicants are mentioned in the report with specific roles attributed to each of the applicants. They cannot be exonerated from the criminal liability under Sections 498-A, 323, 504 and 506 r.w. 34 of the I.P.C. It is lastly prayed to reject the application.

8. It would be relevant to refer to and rely upon the judgment of the Hon'ble Supreme Court in the case of ***Disha Kapoor vs. State of Uttar Pradesh and others, reported in 2025 SCC OnLine SC 1070***, wherein it is held that the Courts to be doubly cautious and extremely careful in dealing with such complaints, especially since the ultimate object of justice is to find out the truth and not only to punish the guilty but also to protect the innocent.

9. We have perused the charge sheet, particularly the report and the statements of the witnesses. The report in the present case is

lodged on 23.11.2022. The injury certificate in respect of alleged beating does not show any injury sustained to the informant. The statements of witnesses are nothing but a copy paste material. In the statements of witnesses, particularly those of Suman, are repetitive and lack of particularity, containing vague and general allegations are made against the applicants. The story of demand of Rs.50,000/- of remaining amount of dowry made after the birth of the daughter is not found probable. It is not clarified as to how applicant No.3 brother-in-law and applicant No.2 mother-in-law ill-treated the informant after a long period of her marriage, which has been performed on 04.07.2014. The witnesses have stated same facts as stated by the informant in her report. The report is not lodged immediately after the alleged incident of cruelty. The vague and general allegations of cruelty are made against the applicants without having any supportive material. Therefore, allegations of cruelty are improbable and hence not sufficient to establish the essential ingredients of Section 498-A, 323, 504 and 506 r.w. 34 of the I.P.C. Therefore, on such general and vague allegations and as per law laid down by the Hon'ble Apex Court in the case of ***Disha Kapoor vs. State of Uttar Pradesh and others (supra)***, compelling the applicants to face the trial, would be an abuse of the process of the court. The case is made out for exercise of our extraordinary powers under section 482 of the Cr.P.C. We are therefore, inclined to allow

the application, 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 allowed.
- II. The R.C.C. No. 301 of 2022 pending before the Judicial Magistrate, First Class, Karjat, District Ahmednagar arising out of F.I.R. No. 788 of 2022 registered with Karjat police station, district Ahmednagar for the offences punishable under Sections 498-A, 323, 504, 506 r.w. 34 of I.P.C. stand quashed and set aside as against the present applicants.

(SANJAY A. DESHMUKH, J.) (SMT. VIBHA KANKANWADI, J.)

rlj/