



IN THE JUDICATURE OF HIGH COURT AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 1849 OF 2023

1. Savita Popat Jadhav
Age : 62 Years, Occu. : Household,
2. Santosh Popat Jadhav
Age : 50 Years, Occu. : Private Service,
3. Sapana Santosh Jadhav
Age : 47 Years, Occu. : Household,
4. Ranjit Popat Jadhav
Age : 52 Years, Occu. : Service,
5. Megha Ranjit Jadhav
Age : 50 Years, Occu. : Household,
All R/o. Belhe, Tq. Junnar, Dist. Pune.

.... Applicants

VERSUS

1. The State of Maharashtra
Through Police Station
Mukundwadi Police Station,
Aurangabad, Tq. & Dist. Aurangabad.
2. Arpita Rushikesh Mane
Age : 22 Years, Occu. : Household,
R/o. At Plot No.44, S. No.343,
Mukundwadi, Aurangabad,
Tq. & Dist. Aurangabad.

.... Respondents

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Advocate for Applicants : Mrs. Sunita G. Sonawane
APP for Respondent No.1-State : Mr. S.A. Gaikwad
Advocate for Respondent No.2 : Mr. Amit A. Mukhedkar
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CORAM : SMT. VIBHA KANKANWADI &
SANJAY A. DESHMUKH, JJ.

Dated : 18th March 2025

ORDER [PER SANJAY A. DESHMUKH, J.] :-

1. Heard the learned Advocate for both sides and learned APP for the State.

2. This is an application for quashing the First Information Report (for short “the F.I.R.”) and charge-sheet in R.C.C. No.738 of 2022, pending before the learned Judicial Magistrate First Class, Aurangabad, arising out of Crime bearing No.0377 of 2021, registered at Mukundwadi Police Station, Aurangabad on 13.09.2021, for the offences punishable under Sections 498-A, 323, 504, 506 read with 34 of the Indian Penal Code, 1860 (for short “the I.P.C.”) and Sections 3, 4 of the Dowry Prohibition Act, 1961.

3. Learned Advocate for the applicants pointed out the report dated 13.09.2021, in which respondent No.2/informant averred that she married with Rushikesh Sunil Mane on 13.08.2020. Applicant No.1 is her maternal grandmother-in-law, applicant Nos.2 and 4 are maternal uncle of her husband and applicant Nos.3 and 5 are wives of applicant Nos.2 and 4, respectively.

4. The informant further averred in the report that, at the time of marriage, her parents had given two Tolas of gold ornaments

along with home appliances. An amount of Rs.5 Lakhs was incurred for the said marriage. Her husband was educated upto M.A. and he was running a Police Career Academy at Belhe, Tq. Junnar, Dist. Pune. Her mother-in-law died when her husband was a child. Thereafter, her father-in-law performed a second marriage and is living independently. Therefore, the applicants were maintaining her husband. They all were residing under one roof.

5. The informant further averred that, after her marriage, initially for two months, she was treated well. Thereafter, applicant Nos.2 and 3 started to ill-treat her. They were treating her as a maid and abusing her by saying that because of her, their daughter viz. Payal's marriage could not be performed with her husband i.e. Rushikesh. In spite of they were in love with each other, applicant No.1 has performed her marriage with Rushikesh only for dowry. Her husband used to take Payal with him and go outside the house. When she questioned him, he beaten and abused her. All the applicants were instigating her husband to beat her and to bring Rs.5 Lakhs from her parents. They were keeping her on starvation.

6. The informant further averred that on 06.07.2021, in midnight, she was expelled from the house by the applicants to fulfill

their demand of Rs.5 Lakhs. Therefore, she called her brother and she was brought at her parents house. Thereafter, she lodged the report against the applicants and her husband.

7. Learned Advocate for the applicants submitted that the applicants are falsely implicated in the crime. There is no such reliable evidence against them to proceed further with the trial. The omnibus and vague allegations are made against the applicants. The informant is not willing to cohabit with her husband. It is lastly prayed to quash the report and charge-sheet.

8. Learned APP for the State strongly opposed the application and submitted that there is a strong evidence of cruelty against the applicants. Their names are mentioned in the F.I.R. The applicants treated her with cruelty by making illegal demand of Rs.5 Lakhs. The applicants in order to fulfill their illegal demand of money, abused and beaten the informant. The applicants have caused physical and mental cruelty and compelled her to live at parental house. It is lastly prayed to reject the application.

9. Learned Advocate for respondent No.2/informant also strongly opposed the application and submitted that the applicants

are involved in the serious crime. They have treated the informant with cruelty by making illegal demand of money, by abusing and beating her. The specific incidents are stated by the informant in the report. There are statements of witnesses corroborating with the version of the informant. Names of the applicants are mentioned in the report. There is a strong evidence against the applicants to proceed further with the trial. In such a fact situation, the application deserves to be rejected as there is a reliable evidence against the applicants. Hence, he prayed to reject the application.

10. We have perused the report and charge-sheet. The serious allegations are made by the informant against the applicants that they harassed her for Rs.5 Lakhs. The said fact was stated by the informant to her parents and relatives, which reflected from their statements recorded during the investigation of the said crime. The report itself inspires confidence as to the happening of alleged incidents of demand of Rs.5 Lakhs and harassment caused to the informant on account of the daughter of applicant Nos.2 and 3 viz. Payal, who was willing to marry with the husband of the informant. The evidence of witnesses supports to the informant's allegations. The essential ingredients of cruelty under Section 498-A of I.P.C. are establishing against the applicants.

11. From all the above aspects if considered together, then this is not a fit case to exercise our powers under Section 482 of the Code of Criminal Procedure, 1973 (for short “the Cr.P.C.”) to quash the report and charge-sheet against the applicants for the offences punishable under Sections 498-A, 323, 504, 506 read with 34 of I.P.C. and Sections 3, 4 of the Dowry Prohibition Act, 1961. It is certainly not a case of an abuse of the process of Court as contemplated under Section 482 of Cr.P.C. We are, therefore, not inclined to exercise our inherent powers under Section 482 of Cr.P.C. The application is liable to rejected. Hence, the following order.

ORDER

The application stands rejected.

[SANJAY A. DESHMUKH]
JUDGE

[SMT. VIBHA KANKANWADI]
JUDGE

asd