



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

CRIMINAL APPLICATION NO. 1908 OF 2023

1. Mina Shankar Inkar
Age : 41 years, Occ : Household,
R/o Aher Chincholi, Tal. Beed,
Dist. Beed.
2. Rajashri W/o Bharat Bhandare
Age : 39 years, Occ : Household,
R/o Vadgaonsheri, Beed,
Tal. and Dist. Beed.
3. Ritik Shankar Inkar
Age : 19 years, Occ : Nil,
R/o Aher Chincholi, Tal. Beed,
Dist. Beed.
4. Bharat S/o Dadarao Bhandare
Age : 45 years, Occ : Household,
R/o Vadgaonsheri, Beed,
Tal. and Dist. Beed.

..APPLICANTS

-VERSUS-

1. The State of Maharashtra
Through the In-Charge Investigation Officer,
City Police Station, Beed, Tal. Beed,
Dist. Beed.
2. Rucha W/o Ramakant Dolas
Age : 32 years, Occ : Household,
R/o at present – C/o Vishnu Kambale,
Sahyog Nagar, Purv Beed,
Tal. and Dist. Beed.

..RESPONDENTS

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Advocate for the applicants : Mr. S.R. Andhale
APP for Respondent- State : Mrs. P.R. Bharaswadkar
Advocate for respondent No.2 : Mr.Suhas R. Shirsat

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

DATE : 22nd JANUARY, 2025

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

. The present application is filed under Section 482 of the Code of Criminal Procedure (Cr.P.C.) seeking to quash FIR No. 33 of 2023, registered against the applicants and three others with City Police Station Beed, Dist.Beed on 14.02.2023, for the offences punishable under Sections 323, 498-A, 504, 506 read with Section 34 of the Indian Penal Code (IPC) and Regular Criminal Case No.320/2023 pending on the file of learned Judicial Magistrate, First Class, Beed.

2. The applicant nos.1 and 2 are sisters. The applicant no.3 is son of applicant no.1. The applicant no.4 is husband of applicant no.2.

3. The FIR is lodged by the respondent no.2, who is wife of brother of the applicant nos.1 and 2. The principal allegations in the FIR are against the husband and parents-in-law. However, the present applicants are also arrayed as accused nos.4 to 7 in the matter. The allegations in the FIR against the applicant nos.1 and 2 are that after a short while of around six months after marriage, the applicant nos.1

and 2 used to taunt the respondent no.2 saying that she was not good looking, she did not know how to do household work properly, and she did not bring adequate dowry at the time of marriage. Apart from this, there is an allegation against applicant no.1, her son and applicant no.3 that they along with the husband and parents-in-law of respondent no.2 that they had a quarrel with respondent no.2 on 10.01.2023 and they had expelled the respondent no.2 from her matrimonial home stating that unless she brings amount of Rs.5,00,000/-, she will not be taken back in the matrimonial house.

4. It is appearing from the contents of FIR that there was matrimonial discord between the respondent no.2 and her husband. The FIR indicates that three meetings were held between the family members of both sides for reconciliation of the matrimonial issue between the respondent no.2 and her husband. The respondent no.2 also has a girl child from the wedlock, who is born somewhere in January or February 2021, as per the contents of the FIR.

5. It will be pertinent to mention here that the respondent no.2 had filed a domestic violence case against her husband in which allegations of ill-treatment and harassment have been levelled. However, all these allegations are against the husband and parents-in-

law. There is no allegation of misbehaviour or harassment or illtreatment of any other nature whatsoever in the domestic violence case against the present applicants. The domestic violence case was filed on 02.09.2021 and was subsequently withdrawn on 30.08.2022.

6. As regards the applicant no.4, there is absolutely no allegation against him in the FIR. Likewise, there is no allegation against him in the domestic violence case as well. He is unnecessarily arrayed as an accused, although his name does not even appear once in the FIR.

7. As regards the applicant no.2, she is sister of husband of respondent no.2. There is a generic allegation against her that after a period of around six months after the marriage, she and her sister-the applicant no.1 would illtreat the respondent no.2 whenever they used to visit their parental house, i.e. the matrimonial house of respondent no.2. The ill-treatment was allegedly meted out pointing to the looks of the respondent no.2 and her inability to do household work properly. The respondent no.2 has also stated that the applicant no.2 and her sister- applicant no.1 also used to say that she did not bring adequate dowry with her at the time of marriage. However, all these allegations are completely vague and lacking in all material particulars. The

tentative period of the allegations is also not mentioned. This assumes greater significance since there is no allegation against her in the domestic violence case.

8. As regards the applicant nos.1 and 3, as pointed out above, there is a general allegation against the applicant no.1 regarding taunting the respondent no.2 on the count that she was not good looking and did not do household work properly, as also relating to inadequate dowry that she had brought with her. The respondent no.2 has levelled another allegation stating that on 10.01.2023 the husband and parents-in-law as also the applicant nos.1 and 3 had a quarrel with her in relation to their demand for Rs.5,00,000/-. She states that the said five persons had abused and beaten her and forcibly evicted her from the matrimonial house, asking her to bring amount of Rs.5,00,000/-.

9. We find from the contents of the FIR that the principal grievance of the respondent no.2 is against her husband. There is a matrimonial discord between respondent no.2 and her husband. The respondent no.2 also alleges and attributes wrong to her parents-in-law. A perusal of pleadings in the domestic violence case will demonstrate that there is no allegation against the applicant no.1

regarding any illtreatment or misbehaviour. However, in the FIR, she has attributed general allegations regarding illtreatment and misbehaviour to the applicant no.1. This indicates attempt to implicate the applicant no.1 in the matter. It appears that with this motive, the names of applicant no.1 and her son applicant no.3 are mentioned while referring to alleged incident dated 10.01.2023. It will be pertinent to mention here that admittedly applicant nos.1 and 3 are not residing with the respondent no.2 and her husband. It will also be pertinent to mention that in the domestic violence case, the allegation with respect to demand for dowry is that the in-laws had asked for a sum of Rs.4,00,000/- to be paid to the society in which the husband was employed as a teacher. However, in the FIR, the allegation is that all the while a sum of Rs.5,00,000/- was demanded in order to enable the husband of respondent no.2 to start his business. There is a clear contradiction in the two allegations. The contradictions cannot be reconciled in as much as in one place, it is stated that amount was sought for securing permanent employment and at other place, it is said that dowry was sought for starting business. Apart from this, the amount mentioned in both the documents is also different. The allegations against the applicant nos.1 and 3 will have to be taken with a pinch of salt. The contents of FIR cannot be read in isolation. They will have to be read in conjunction with other material on record. The

allegations in totality clearly indicate an attempt of over implication on the part of the respondent no.2. The contents of FIR with respect to applicant nos.1 and 3 cannot be read in isolation. They will have to be read in totality. The allegations in FIR clearly indicate an attempt on the part of respondent no.2 to implicate two sisters of her husband in the matter. The tendency of estranged wives to implicate family members and near relations of husband in offences relating to Section 498-A are on rise. All Courts including the Hon'ble Supreme Court of India and this Court has repeatedly taken notice of this. The present case also appears to be one of such nature. It is pertinent to mention here that the marriage of respondent no.2 was solemnized on 01.11.2019. She claims that for a period of around six months things were normal and thereafter the alleged harassment started. From 10.01.2023, she was admittedly residing at her parental house. There have been three meetings for resolving the marital discord between respondent no.2 and her husband. Having regard to the entire facts of the case, we find that the allegations against applicant nos.1 and 3 are also not confidence inspiring. We are of the opinion that the allegations in the FIR are not sufficient to continue criminal prosecution against the applicant nos.1 and 3 as well. We deem it appropriate to quash prosecution against applicant nos.1 and 3 in exercise of our inherent powers under section 482 of Cr.PC. in the interest of justice and in

order to prevent abuse of the legal process. Hence the order :-

ORDER

- (i) The application is allowed.
- (ii) FIR No. 33 of 2023, registered against the applicants and three others with City Police Station Beed, Dist.Beed on 14.02.2023, for the offences punishable under Sections 323, 498-A, 504, 506 read with Section 34 of the Indian Penal Code (IPC) and Regular Criminal Case No.320/2023 pending on the file of learned Judicial Magistrate, First Class, Beed are hereby quashed against applicant no.1-Mina Shankar Inkar, applicant no.2-Rajashri W/o Bharat Bhandare, applicant no.3 - Ritik Shankar Inkar and applicant no.4 - Bharat S/o Dadarao Bhandare.

[ROHIT W. JOSHI]
JUDGE

[SMT. VIBHA KANKANWADI]
JUDGE

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