



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

38 CRIMINAL APPLICATION NO.2692 OF 2024

1. Mandatai Ganpatrao Kamble
(in FIR named as Sandhya Ganpat Kamble)
Age: 36 years, Occu.: Service,
R/o. C/o. Sitakant Kamble, Christian Mohalla,
Badnapur, Tq. Badnapur, Dist. Jalna
2. Manisha Vinod Ghroade @
Manisha d/o Ganpat Kamble
Age: 40 years, Occu.: Service,
R/o. Jamuna Nagar, Near
Railway Station Road, Jalna,
Tq. And Dist. Jalna.

.. Applicants

Versus

1. The State of Maharashtra
Through Officer In charge,
Police Station Partur,
District Jalna.
2. Jaya @ Archana Venkat Sarkate @
Jaya @ Archana Sandip Kamble
Age: 24 years, Occu.: Homemaker,
R/o. Satonkar Mala, Saraswati Colony,
Partur, Tq. Partur, Dist. Jalna

.. Respondents

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Ms. Pooja Ingle h/f Mr. S. J. Salunke, Advocate for Applicants.
Mr. V. K. Kotecha, APP for Respondent No.1/State.
Mr. Satish P. Ingle, Advocate for Respondent No.2. (Absent)

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**CORAM : SMT. VIBHA KANKANWADI &
HITEN S. VENEGAVKAR, JJ.**

DATE : 24 SEPTEMBER 2025

ORDER :

. Present application has been filed for quashment of the FIR vide
Crime No.254 of 2024 dated 16.05.2024 registered with Partur Police

Station, District Jalna for the offences punishable under Sections 498-A, 323, 504, 506 read with Section 34 of Indian Penal Code and under Sections 3 and 4 of the Dowry Prohibition Act.

2. Learned Advocate for the applicants as well as learned APP submit that till today charge-sheet has not been filed.

3. Heard learned Advocate Ms. Pooja Ingle holding for learned Advocate Mr. S. J. Salunke for the applicants and learned APP Mr. V. K. Kotecha for respondent No.1/State. Learned Advocate for respondent No.2 is absent. In order to cut short, it can be said that learned Advocate for the applicants as well as learned APP have made submissions in support of their respective contentions.

4. It is not in dispute that respondent No.2 got married to one Sandip Ganpat Kamble, who is the brother of the present applicants, on 13.07.2016. The applicants are the married sisters-in-law, one resides at Badnapur, District Jalna and another resides in Jamuna Nagar in Jalna. It appears that the matrimonial home of respondent No.2 is in Pangarkarnagar, Jalna.

5. The informant alleges that all the accused persons including the present married-sisters-in-law had treated her properly for about six months and thereafter started harassing her for bringing Rs.5,00,000/-

for making construction of the second floor. It is then stated that her father had given amount of Rs.3,00,000/- to the husband and parents-in-law in 2018 and thereafter, she was treated properly. She then states that thereafter again she was harassed for remaining amount of Rs.2,00,000/- by all the accused. She then states that she had given a complaint application on 12.06.2019 with Mahila Takrar Kendra, Jalna, wherein there was compromise and then she was treated properly. Then she says that again by making same demand, they started harassing and she was ultimately driven out of house on 05.05.2024. The first and the foremost fact to be noted is that there is absolutely no mention in the FIR as to why the married sisters-in-law are residing in their parental home. It is pleaded by applicant No.1 that though she was married in 2009, thereafter she had obtained divorce from her husband. She is N.C.D. Staff Nurse in Rural Hospital, Badnapur and she resides at the place of her service. She has produced the identity card and also certificates issued by the Superintendent of Rural Hospital, Badnapur. Since these certificates are issued by the Government Servants, we are considering them in spite of it may be related to plea of alibi. The FIR is totally silent on the point that applicant No.1 is so serving at Badnapur. That means, only favourable picture appears to have been painted. Further, as regards applicant No.2, after marriage, her name is Manisha Vinod Ghorpade, but still in the FIR she has been addressed by her

maiden name. Thus, there is total suppression of fact that one sister-in-law is married and resides at her matrimonial home and another though divorcee resides at the place of her service. The intention appears to be clear to rope every relative of the husband, which is against the observations in ***Preeti Gupta v. State of Jharkhand, (2010) 7 SCC 667.***

6. Another fact to be noted is that when she states that there was a compromise on 12.06.2019 and then says that she was treated properly, she directly then jumps to the statement that on the same demand, she was given harassment. Now, since when that harassment started and what was the instances of harassment have not been stated. If there was a compromise in 2019 and she was treated properly, without giving the starting point of fresh harassment or cruelty, the FIR that is lodged on 16.05.2024 would be barred by limitation i.e. there would be hurdle of Section 468 of the Code of Criminal Procedure. Therefore, on all these counts, case is made out for quashment of the FIR. Hence, the following order :-

ORDER

- I) Criminal Application stands allowed.
- II) The FIR vide Crime No.254 of 2024 dated 16.05.2024 registered with Partur Police Station, District Jalna for the offences

punishable under Sections 498-A, 323, 504, 506 read with Section 34 of Indian Penal Code and under Sections 3 and 4 of the Dowry Prohibition Act stands quashed and set aside as against the present applicants.

[HITEN S. VENEGAVKAR]
JUDGE

[SMT. VIBHA KANKANWADI]
JUDGE

scm