



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

CRIMINAL APPLICATION NO. 3566 OF 2024

1. Abhay S/o Amratrao Shinde
Age : 32 Years, Occu : Business,
R/o Flat No.5, Gat No.94/3,4
Kasturai Niwas, Dadawadi,
Near Jain Mandir, Jalgaon,
Tal. & Dist. Jalgaon,
2. Amratrao @ Amrat S/o Manik Shinde
Age : 77 Years, Occu : Nil,
R/o As above,
3. Chandrakala S/o Amurtrao @ Amrat Shinde
Age : 57 Years, Occ : Housewife,
R/o as above,
4. Shubhangi W/o Ajit Patil
Age : 37 Years, Occu : Housewife,
R/o. Plot No.24 Gat No.59 Kolhe Nagar,
West Saptashruni Mandir Jalgaon,
Tal & Dist. Jalgaon
5. Ajit Prakash patil
Age : 40 Years, Occu : Business,
R/o Plot No.24 Gat No.59 Kolhe Nagar,
West Saptashruni Mandir Jalgaon,
Tal & Dist. Jalgaon
6. Jayantrao S/o Chintaman Patil
Age : 76 Years, Occu : Agri,
R/o Plot No.9, Gat No.83
Kalyani Nagar, Dadawadi
Tal & Dist – Jalgaon.
7. Shristi w/o Shripad Patill
Age : 33 Years, Occu : Housewife,
R/o. Borkhede Bk, Jalgaon
Tq. & Dist. Jalgaon.

8. Shripad s/o Rajendra Patil
Age : 38 Years, Occu : Business,
R/o. Borkhede Bk, Jalgaon
Tq. & Dist. Jalgaon ...Applicants

-VERSUS-

1. The State of Maharashtra
Through Police Station,
Mohadi Nagar Police Station, Dhule
2. Ashwini W/o. Abhay Shinde,
Age : 27 Years, Occu : Household,
R/o Kasturba Nivas, Khote Nagar
Tq. & Dist. Jalgaon,
At present R/o Varshwadi,
Mohadi upnagar, Tal & Dist. Dhule ...Respondents

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Advocate for Applicants : Ashish S. Hazari h/f. Mr. D. A. Madake
A.P.P. for Respondent/State : Smt. P. R. Bharaswadkar

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

DATED : 25.03.2025

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

1. The present application is filed under Section 482 of the Code of Criminal Procedure, 1973 *inter alia* challenging First Information Report (for short "FIR") bearing Crime No.114 of 2024 registered with Mohadi Nagar Police Station on 01.04.2024 for the offences punishable under Section 498-A, 323, 504, 506 read with Section 34 of the Indian Penal Code, 1860 (for short "the IPC"). The FIR is lodged by respondent No.2. Respondent No.2 is related to the applicants as under:-

Applicant No.1 : Husband

Applicant No.2 : Father-in-law

Applicant No.3 :Mother-in-law

Applicant No.4 : Sister-in-law

Applicant No.5 : Brother-in-law

Applicant No.6 : Brother of Applicant No.3

Applicant No.7 : Sister-in-law

Applicant No.8 : Brother-in-law

2. As per allegations in the FIR, marriage of respondent no.2 was solemnized with applicant no.1 on 09.05.2023. It is alleged that 10 days before the marriage, father of respondent no.2 had paid a sum of Rs. 3,00,000/- to applicant no.1 for buying a motor cycle. It is alleged that after solemnization of the marriage respondent no.2 and her parents learnt that applicant no.1 was married to a lady earlier with whom he had obtained divorce. Respondent No.2 has alleged that this material fact was suppressed from her and her parents. However, she ignored the same and started residing with applicant no.1. It is alleged that for a period of around 1-2 months after the marriage the things were normal. Respondent No.2 alleges that thereafter almost daily applicant no.1 used to return home under influence of liquor. She has alleged that he used to abuse her and beat intermittently. It is alleged

that applicant nos.4 to 8 used to instigate applicant no.1 and on such instigation applicant no.1 started suspecting her character and used to abuse her and beat her. It is then alleged that applicants asked her to bring amount of Rs.10,00,000/- from her parents since their financial condition was in a very bad shape and that there were outstanding loans to be repaid. She alleges that all the applicants had subjected her to mental and physical harassment in order to force her to meet the said unlawful demand of dowry. It is alleged that in the month of November 2023, a few days after Diwali festival, applicants had a quarrel with her and applicant no.1 had again beaten her. She alleges that applicant no.1 called younger brother of respondent no.2 and then forced respondent no.2 to leave the house along with her brother. She states that applicant no.1 had threatened her not to return to her matrimonial house, unless she fulfills the demand of Rs.10,00,000/-. It is alleged that applicant No.2 i.e. father-in-law also threatened respondent No.2 and her family on the parental side stating that he is a retired policeman.

3. As regards applicant nos.1 to 3, the proceeding is already disposed of as withdrawn vide order dated 21.11.2024 on the motion made on their behalf for withdrawal of the application. We have therefore heard the matter only for applicant nos.4 to 8.

4. Applicant nos.4 and 7 are married sisters-in-law of respondent

no.2. Applicant Nos.5 and 8 are husbands of applicant nos.4 and 7 respectively. Likewise applicant no.6 is brother of applicant no.3 i.e. mother-in-law of respondent no.2. Applicant Nos. 4 to 8 are admittedly not residing with applicant nos.1 to 3. Perusal of the FIR indicates that general and vague allegations about instigation to applicant no.1 are leveled against applicant nos.4 to 8. The allegation about demand of dowry of Rs.10,00,000/- is also an omnibus allegation against applicant Nos.1 to 8. All material particulars such as time, date or even tentative period of alleged demand is not mentioned, however the allegations are also silent as regards mode and manner of alleged instigation to the husband. Attempt of over implication is apparent on perusal of FIR and statements recorded by respondent no.1 during the course of investigation. The general, vague and omnibus allegations leveled in the FIR and statements under Section 161 of Code of Criminal Procedure, even if assumed to be true are grossly insufficient to attract any ingredients of Section 498-A against applicant nos. 4 to 8.

5. In such circumstances, it will be absolutely unjust to force applicant nos.4 and 8 to face the rigors of criminal prosecution. Continuation of proceedings against them will amount to abuse of the legal process. In that view of the matter application is partly allowed. Hence we pass the following order:-

ORDER

- (i) The application is disposed of as withdrawn with respect to applicant no.1-Abhay S/o Amratrao Shinde, applicant no.2-Amratrao @ Amrat S/o Manik Shinde and applicant no.3-Chandrakala S/o Amurtrao @ Amrat Shinde as recorded in order dated 21.11.2024.
- (ii) The application is allowed with respect to applicant no.4-Shubhangi W/o Ajit Patil, applicant no.5-Ajit Prakash Patil, applicant no.6-Jayantrao S/o. Chintaman Patil, applicant no.7-Shristi w/o Shripad Patil, applicant no.8- Shripad s/o Rajendra Patil. Accordingly, FIR No.114 of 2024 registered with Mohadi Nagar Police Station, District Dhule on 01.04.2024 for the offences punishable under Sections 498-A, 323, 504, 506 read with Section 34 of the IPC.

[ROHIT W. JOSHI]
JUDGE

[SMT. VIBHA KANKANWADI]
JUDGE

Narwade