



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

**CRIMINAL APPLICATION NO. 3003 OF 2022**

1. Kiran S/o Ganesh Ahire  
Age : 29 years, Occ : Nil,
2. Ganesh S/o Limbaji Ahire  
Age : 60 years, Occ : Nil,
3. Laxmibai W/o Ganesh Ahire  
Age : 55 years, Occ : Household,
4. Kailas S/o Ganesh Ahire  
Age : 32 years, Occ : Pvt. Service,
5. Sagar S/o Ganesh Ahire  
Age : 30 years, Occ : Pvt. Service,
6. Shital W/o Kailas Ahire  
Age : 26 years, Occ : Household,
7. Rohini W/o Sagar Ahire  
Age : 27 years, Occ : Household,

All R/o Yashodhara Chaal,  
Committee-2,  
Ramabai Ambedkar Nagar,  
Ghatkopar (East), Mumbai.

..APPLICANTS

-VERSUS-

1. The State of Maharashtra  
Through Police Inspector,  
Police Station, Badnapur,  
Tq. Badnapur, Dist. Jalna.
2. Sow. Ashwini W/o Kiran Ahire  
Age : 21 years, Occ : Household,  
R/o Yashodhara Chaal, Nalanda Nagar,  
Vasantrya Naik Marg, Ghatkopar (East),  
Mumbai at present R/o Dhopatashwar,  
Tq. Badnapur, Dist. Jalna.

..RESPONDENTS

...  
Advocate for the applicants : Mr. Y.L. Bidve h/f Mr.S.V. Salunke  
APP for Respondent- State : Mr. A.M. Phule  
Advocates for respondent No.2 : Mr.R.C. Bora and Mr.S.A. Pathan

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

**DATED : 7<sup>th</sup> JANUARY, 2025**

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

. The applicants in the present matter have invoked our inherent jurisdiction under Section 482 of the Code of Criminal Procedure (Cr.P.C.), *inter alia*, praying to quash F.I.R. No.363/2022 dated 20.07.2022 registered against them with Badnapur Police Station, Dist. Jalna, for the offences punishable under Sections 498-A, 323, 504 read with Section 34 of the Indian Penal Code (I.P.C.) and sections 3 and 4 of Dowry Prohibition Act as well as Charge-Sheet No.175/2022 dated 14.09.2022 and Regular Criminal Case No.225/2022 pending on the file of the learned Judicial Magistrate, First Class, Badnapur, Dist. Jalna.

2. Respondent No.2 is the informant. Respondent No.2 – informant is related to the applicants as under :-

- (i) Applicant No.1 – husband
- (ii) Applicant No.2 – father-in-law

- (iii) Applicant No.3 – mother-in-law
- (iv) Applicant No.4 – brother-in-law
- (v) Applicant No.5 – brother-in-law
- (vi) Applicant No.6 – wife of applicant No.4
- (vii) Applicant No.7 – wife of applicant No.5

3. The marriage of respondent No.2 was solemnized with applicant No.1 on 29.10.2020. As per contents of F.I.R. respondent No.2 was treated well by her in-laws for a period of around three months. She alleges that after initial period of three months, in-laws started harassing her. The allegation against applicant No.1 – husband is that he used to speak ill about her stating that she does not know any work. She is not adequately educated and also lame lady. It is also alleged that he used to beat her intermediately. Respondent No.2 alleges that on 10.02.2021, applicant No.1 started quarrel by shouting at her and said that he does not like her and she should immediately leave the matrimonial house. Respondent No.2 alleges that applicant Nos.2 to 6 used to instigate applicant No.1 to desert respondent No.2 and instigate him to remarry some other girl. Respondent No.2 states that she had informed about the said incident dated 10.02.2021 to her parents. She states that on the same day i.e. on 10.02.2021 her parents had called her at Shahid Hall in Mumbai. She states that her in-laws were also

requested to come to said Hall by her parents. According to her, during the course of the meeting held on 10.02.2021 at Shahid Hall her parents and other relatives requested the applicants to treat respondent No.2 properly and to live together happily. She states that in-laws agreed that they will behave properly and took her with them for residing together. She alleges that thereafter in-laws again started harassing her and on 18.02.2022 at about 2.00 p.m., they asked her to get a gold chain, a motorcycle and Rs.2,00,000/- from her parents and forcibly evicted her from the house asking to return only when she comes with said amount and articles. Since 18.02.2022, respondent No.2 is residing with her parents.

4. Learned counsel Mr. Y.L. Bidve h/f Mr.S.V. Salunke for the applicants contends that the allegations are levelled with an ulterior motive to browbeat the in-laws for succumbing in to settlement and part with exorbitant amount, which is claimed by respondent No.2. He states that the matter was amicably settled between applicant No.1 and respondent No.2 before Lok Adalat in Domestic Violence Proceeding on 22.03.2022. However, applicant No.1 could not arrange the money payable to respondent No.2 in terms of the settlement, and therefore, he filed a petition seeking divorce from respondent No.2 on 04.04.2022. He would submit that the F.I.R. is lodged only with a view

to filing of divorce petition by applicant No.1, being H.M.P No.46/2022. He would then contend that the allegations in the F.I.R. are general and omnibus in nature and as such not enough to make out prima facie case for trial against the applicants.

5. Per contra, Mr. A.M. Phule, learned APP appearing for respondent No.1 would contend that respondent No.2 has levelled a specific allegation in the F.I.R. by mentioning dates as also time. He would submit that in view of the clear allegations in the F.I.R. which are further supported by the statements of witnesses, the applicants will have to face the trial and at this stage, it can not be said that the offence under Section 498-A of the IPC is not made out.

6. Learned counsel Mr.R.C. Bora h/f Advocate Mr.S.A. Pathan for respondent No.2 advanced the submissions on similar lines. He states that the mindset of applicant No.1 is apparent from the fact that he did not honour the settlement arrived at before the Lok Adalat and proceeded to file a petition for divorce anticipating that respondent No.2 would set criminal law in motion in view of the harassment that was meted out to her.

7. After hearing rival submissions for some time, we had

expressed that applicant Nos.1 to 3 may not be entitled to any relief. In view of this, during the course of hearing, learned counsel for the applicants sought instructions and made a statement on instructions seeking to withdraw the application with respect to applicant Nos.1 to 3. We have permitted applicant Nos.1 to 3 to withdraw the application, which stands disposed of against them accordingly.

8. We have heard the rival submissions on merits qua applicant Nos.4 to 7. Applicant Nos.4 and 5 are brothers-in-law of respondent No.2. Applicant Nos.6 and 7 are their wives. Perusal of the F.I.R. will demonstrate that the principal allegations are against Applicant Nos.1 to 3. There are no specific allegations against applicant Nos.4 to 7. Respondent No.2 has alleged that on 10.02.2021, applicant No.1 was abusing her unnecessarily and at that time, all applicant Nos.2 to 7 told him that he should not live with respondent No.2 and should grant divorce to her. She alleges that she was beaten up by the in-laws and abused on 10.02.2021 and expelled from the house. Abuse allegedly hurled by applicant Nos.2 to 7 are not mentioned. Apart from this, person specific allegations are not levelled. The allegations are general in nature. Thereafter, in relation to incident dated 18.02.2022, she has not named any of the applicants. She has only stated that the in-laws had made demand for gold chain, a motorcycle and

Rs.2,00,000/- and had forced her to leave the house.

9. We find that applicant Nos.4 and 5 are brothers of the husband of respondent No.2 and applicant Nos.6 and 7 are their wives. The allegations against these applicants are not specific. They are general in nature. As regards the incident dated 10.02.2021, the allegation suggests that all the applicants had hurled abuses in chorus and had beaten up respondent No.2, which in a sense unbelievable. As regards applicant Nos.4 to 7 it appears to be a case of over implication. It is apparent from the allegations in the F.I.R. that applicant No.1 husband had some issues with respect to the looks, educational qualification etc of his wife-respondent No.2, resulting in marital discord between them. The intent to implicate all the family members is apparent in view of the allegations that have been levelled. We find that the contents of the F.I.R. and material gathered during the course of investigation are not sufficient to force applicant Nos.4 to 7 to undergo hardship of facing a criminal trial. Continuation of criminal case against applicant Nos.4 to 7 is not warranted in view of the allegations in the F.I.R. which are general in nature with respect to them as also the statements recorded during the course of investigation, which also do not ascribe any specific positive act to them. The F.I.R. and criminal case against applicant Nos.4 to 7 are

therefore, liable to be quashed. Hence we pass the following order :-

**ORDER**

- (i) The application stands disposed of with respect to applicant No.1- Kiran S/o Ganesh Ahire, applicant No.2 - Ganesh S/o Limbaji Ahire and applicant No.3 - Laxmibai W/o Ganesh Ahire as withdrawn.
- (ii) The application stands allowed with respect to applicant Nos.4 to 7.
- (iii) F.I.R. No.363/2022 dated 20.07.2022 registered with Badnapur Police Station, Dist. Jalna, for the offences punishable under Sections 498-A, 323, 504 read with Section 34 of the Indian Penal Code and sections 3 and 4 of Dowry Prohibition Act as well as Charge-Sheet No.175/2022 dated 14.09.2022 and Regular Criminal Case No.225/2022 pending on the file of the learned Judicial Magistrate, First Class, Badnapur, Dist. Jalna, are hereby quashed against applicant No.4 – Kailas S/o Ganesh Ahire, applicant No.5 - Sagar S/o Ganesh Ahire, applicant No.6 - Shital W/o Kailas Ahire and applicant No.7 – Rohini W/o Sagar Ahire.

**[ROHIT W. JOSHI]**  
**JUDGE**

**[ SMT. VIBHA KANKANWADI]**  
**JUDGE**

sga/